

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VOLUME II

JULIUS HOBSON, et al.,)
Plaintiffs,)
vs.) Civil Action No. 76-1326
JERRY WILSON, et al.,)
Defendants.)

Washington, D.C.

November 25, 1981

The above-entitled case came on for trial before
the HONORABLE LOUIS OBERDORFER, United States District Judge.

APPEARANCES:

ON BEHALF OF THE PLAINTIFFS:

Mr. Daniel M. Schember, Esquire
Ms. J.E. McNeil, Esquire
Ms. Anne Pilsbury, Esquire

ON BEHALF OF THE FEDERAL DEFENDANTS:

Mr. David White, Esquire
Mr. Dennis F. Hoffman, Esquire

ON BEHALF OF THE DISTRICT OF COLUMBIA DEFENDANTS:

Ms. Laura Bonn, Esquire
Mr. George Barclay, Esquire

I N D E X

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	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3					
4	Phillip Mostrom	226	251		
5	Helen Anne Gurewitz	253	273		
6	(Richard)				
7	William P. Pollock	297	356	414	421
8					
9	<u>EXHIBITS:</u>	<u>FOR IDENTIFICATION</u>		<u>IN EVIDENCE</u>	
10	Plaintiffs' 22			238	
11	Plaintiffs' 45			248	
12	Plaintiffs' 57 and 58			251	
13	Plaintiffs' 23 —			270	
14	Plaintiffs' 27			307	
15	Plaintiffs' 29			323	
16	Plaintiffs' 67			338	
17	Defendants' 33		376		
18	Defendants' 31		384		
19	Defendants' 32		389		
20	Defendants' 100			429	
21					
22					
23					
24					
25					

1 A. Sure. No problem. That's actually the supervisor
2 of the squad to whom this investigation was assigned, signed
3 out this communication from the Washington Field Office, and
4 the first set of initials before the slant are the SAC's
5 initials and the last are the supervisor's.

6 Q. So in other words, on the document you are looking
7 at there were actually two individuals who signed down here
8 at the bottom where it says approved?

9 A. No, actually the initials were all made by the
10 supervisor himself signing for the SAC.

11 Q. Okay. Now, this document has a number of dates
12 stamped on it on the face of it. Can you tell by looking at
13 it if those were dates that were stamped on it at the time
14 that it was written or whether they have been stamped on it
15 since then in the process of processing this document for
16 release to us?

17 A. These dates that you see here are dates that were
18 all apparently stamped on it when it was received at
19 headquarters.

20 Q. Now, could you please describe for the jury --

21 THE COURT: Excuse me, I see one date that looks
22 like 4-2-81, doesn't it?

23 THE WITNESS: You are right, Your Honor. That
24 appears to be something that had to do with classification of
25 this document at a later date.

A. But, the question, this is actually the subject
of the subject to whom this information was given, and
out this information from the Washington Field Office, and
the first one of the letters between the two and the
letters and the last one was signed by...

B. In other words, on the document you are looking
at there were actually two individuals who signed that letter
of the letter where it says approved?

A. No, actually the initials were all made up of the
subject's initials signed for the SAC.

B. Okay, now, this document has a number of dates
attached to it on the top of it, can you tell me looking at
it if there were dates that were attached to it at the time
that it was written or written they have been removed or is
shown then in the process of producing this document that

reference to any...

A. These dates that you are looking at dates that were
all necessarily attached to it when it was received by...

headquarters.

B. Now, could you please describe for the jury --

the subject, because we, I am not sure what...

100-1-1-11, January 1973

The subject: You are right, Your Honor, that...

appears to be something that had to do with classification of
this document as a false date.

1 THE COURT: Okay.

2 THE WITNESS: But all of these dates were made at
3 headquarters, to the best of my knowledge. Even that was
4 made at headquarters, sir.

5 BY MS. PILSBURY:

6 Q. Mr. Mostrom, with reference to this document if it
7 assists you, could you describe the process such a document
8 would take from when it's first drafted to when it ends up in
9 your file or whatever its resting place would be?

10 A. I am not that versed on the actual steps once it is
11 received at headquarters, but it is sent by mail to
12 headquarters. Copies, of course, are received in the mailing
13 unit and is routed through the various units at headquarters
14 that are assigned to receive this particular document, and
15 that would vary according to the nature of the document.

16 THE COURT: Can the jurors at the end of the box
17 hear all right?

18 BY MS. PILSBURY:

19 Q. Well, Mr. Mostrom, I would draw your attention to
20 the fact that this document has on actually all four of its
21 corners what appear to be people's initials. Do you have any
22 knowledge as to when and why those initials would be placed
23 on such a document?

24 A. As far as I can see, it represents various
25 supervisors at headquarters who have seen this document.

720B

THE COURT: Okay.

THE WITNESS: And all of these dates were made at

San Francisco, to the best of my knowledge. Even those who

were at headquarters, etc.

BY MR. WATSON:

Q. Mr. Watson, with reference to this document, is it

correct, you would say that the process was a document?

A. Well, yes, yes, when it's first dated to when it was up to

and this or whether the writing piece would be?

A. I am not that dated on the actual document, is it

received at headquarters, and it is sent by mail to

headquarters, copied, of course, and received in the field

unit and is routed through the various units at headquarters

and are assigned to receive this particular document, and

that would vary according to the nature of the document.

THE COURT: Can the subject at the end of the day

be all right?

BY MR. WATSON:

Q. Well, Mr. Watson, I would like your attention to

the fact that this document was on January 11, 1945, at the

moment that report to the Pacific War Relocation Authority

showed up to show that the fact that it would be placed

as soon as possible.

A. As far as I can see, it is possible within

possibilities at headquarters who have been with the document.

1 Q. Is it standard FBI procedure to initial a document
2 when you have seen it?

3 A. That's correct.

4 Q. Now, I draw your attention to the notation that's
5 in the left-hand margin next to the second paragraph in
6 handwriting. Can you read that?

7 A. It looks to me to be the word "handled."

8 Q. Is that a common word that you see on FBI documents?

9 A. Quite frequently, yes, at headquarters.

10 Q. What does it mean?

11 A. That means that whatever the requested action to be
12 taken at headquarters it has been handled by an appropriate
13 supervisor.

14 Q. Would there be any way of telling from looking at
15 this document, which is written from the SAC to the director
16 of the FBI, who would have written handled?

17 A. I have no way of knowing that.

18 Q. Do you know whether or not it would have been
19 someone in the Washington Field Office as opposed to someone
20 in headquarters?

21 A. That should have been somebody at headquarters.

22 Q. Now, if this document which is apparently not a
23 carbon -- is it common practice to use carbon copies as well?

24 A. Oh, yes.

25 Q. If a document were typed on carbon and the carbon

720 C

1 Q. Did you ever have occasion to work in the -- is it
2 the New Mobe or the National Mobe that we are speaking of?

3 A. Well, there are several names, but I new it as the
4 Mobilization to End the War in Viet Nam, that was the
5 original one.

6 THE COURT: The question was did you have occasion
7 to work there.

8 BY MS. PILSBURY:

9 Q. Did you have occasion to work in the Mobe offices?

10 A. Yes.

11 Q. Where were they located?

12 A. 1029 Vermont Avenue, northwest, Washington, D.C..

13 Q. In the period in the fall of 1969, October and
14 November, could you indicate how often you would be down at
15 the office?

16 A. Practically every evening and weekends.

17 Q. Were you a paid staff person?

18 A. No, I was a volunteer.

19 Q. What did you do in the office?

20 A. I generally handled all of the bills that had come
21 in, made up deposits for the banks, things to do with the
22 financial end of it. Also participated in meetings regarding
23 demonstrations.

24 Q. Did the office have a checking account?

25 A. It had a separate checking account. There were two.

1 Q. There were two?

2 A. Yes.

3 Q. Could you describe the difference between the two
4 checking accounts?

5 A. Yes, at the time of the formation since -- neither
6 Mr. Bloom nor I were in that office. We decided to set up
7 what we called a petty cash account which was handled by the
8 two members of the staff.

9 Q. About how much money was maintained as a rule in
10 the petty cash account?

11 A. Nominal.

12 Q. Was there another checking account?

13 A. Yes. ---

14 Q. Was there any limit on how much money you
15 maintained in that checking account?

16 A. The latter? No.

17 THE COURT: Did the other checking account have a
18 name?

19 BY MS. PILSBURY:

20 Q. How did you distinguish between these two checking
21 accounts in the office?

22 A. I am not remembering too clearly, but I think there
23 were two separate banks.

24 Q. Did they have two separate checkbooks?

25 A. Yes.

1 Q. Now, who could sign the checks?

2 A. Which ones?

3 Q. Well, both.

4 A. For the office, Mr. Steve Wilcox; for the national,
5 Mr. Abe Bloom.

6 THE COURT: Who?

7 THE WITNESS: Abe Bloom.

8 BY MS. PILSBURY:

9 Q. When you say the national, are you referring to the
10 larger checking account?

11 A. I meant the latter, yes.

12 Q. Would Mr. Wilcox and Mr. Bloom actually prepare the
13 checks as opposed to just signing them?

14 A. In Mr. Wilcox' instance I believe he did. In Mr.
15 Bloom's instance I prepared them and he signed them.

16 Q. Okay. Did you always prepare the checks on what I
17 will call the major account?

18 A. Yes.

19 Q. And I take it that you did not always prepare the
20 checks on the office account?

21 A. I never prepared them.

22 Q. Who did that?

23 A. Mr. Wilcox or another young man who was in that
24 office.

25 Q. Who was that?

1 A. A Mr. Donald Gurewitz.

2 Q. Is he any relation to you?

3 A. He is my son.

4 Q. Would you normally pay the phone bill?

5 A. Yes.

6 Q. Did you pay the phone bill in November of 1969?

7 A. No.

8 Q. Was the phone bill paid?

9 A. Yes.

10 Q. Was it paid on time?

11 A. I believe it was paid a little prior to it's --
12 otherwise I would have paid it.

13 Q. Was there any problem with the phone bill in
14 November?

15 A. Nothing unusual at that time, no.

16 Q. Did you have any fear that your phone was going to
17 be cutoff in November?

18 A. No.

19 Q. Did you have any problem of checks bouncing in
20 November of '69?

21 A. Yes.

22 Q. What happened?

23 A. I cannot answer this by just a yes or no. I will
24 have to describe it.

25 THE COURT: You weren't asked a yes or no answer,

1 you were asked what happened.

2 BY MS. PILSBURY:

3 Q. Just describe what happened.

4 A. This was -- the timing was immediately in front of
5 the big demonstration that was going to take place and there
6 were -- lines had to be set up. Telephone lines had to be
7 set up at the demonstration point. There was a telephone
8 bill which I eventually would have paid like other bills.

9 That day that I was in the office I had to meet
10 with a gentleman who was handling the bussing situation. I
11 was downstairs in the logistics room with this gentleman and
12 then went upstairs. When I entered the main office
13 Dr. Sidney Peck and two gentlemen were there and he was in a
14 great state of agitation. It seems the telephone company was
15 complaining about a bad check. He turned to me and asked me
16 if I had issued such a check and I said, "No." It turned out
17 that the check had been issued on the office account for
18 thousands of dollars; and, of course, there was no such money
19 in that account. At that point the telephone company was
20 insisting not another check, but that they be paid in cash.
21 It was past banking hours, no bank was open, and despite the
22 fact that we could have written a check they would not accept
23 it.

24 Q. What was the reason, if any, that the telephone
25 company gave for not accepting a check that you would have

1 written on your other account?

2 A. Well, they were fearful that they would get another
3 bounced check.

4 Q. How many bounced checks did they receive?

5 A. Well, at that time I thought it was only Bonn, but
6 later it turned out that they had received two, both issued
7 by Mr. Wilcox.

8 Q. Both issued on the office account?

9 A. On the office account.

10 Q. Was that brought to Mr. Wilcox' attention?

11 A. At the time that the first bounced check showed up
12 he was not in the office. He appeared later when the
13 situation was resolved by frantic telephone calls. I would
14 like to add that during the occurrence of all this, the man
15 in charge of the buses who had been sent an initial deposit
16 check and who had just been issued another check to cover the
17 buses that were to take people safely from Arlington to the
18 demonstration point, he had both of those checks, one in his
19 office and one in hand. By the time the first situation was
20 resolved we were confronted once more by another branch of
21 the telephone company which handles those -- the installation
22 of temporary phones, I guess, for a demonstration point, and
23 they also confronted us with a bad check. By this time all
24 bedlam broke out.

25 Q. Do you recall what --

1 THE COURT: Didn't I hear some question about buses?
2 Has that been answered?

3 MS. PILSBURY: She mentioned buses, but I didn't
4 ask her a question about buses.

5 THE COURT: Should I ask the jury to disregard any
6 mention of the buses?

7 MS. PILSBURY: I will tie it up in a minute, Your
8 Honor.

9 BY MS. PILSBURY:

10 Q. In reference to the two bad checks, do you recall
11 if they were dated the same, or what the dates on those or
12 the sequence of those checks were?

13 A. I honestly don't. They were not the same day, but
14 I don't honestly know the span of time.

15 Q. But they were not the same day?

16 A. No, I don't think so.

17 Q. Now, you indicated that at the time that you were
18 having a problem with the telephone company that there was
19 some problem with the payment for the buses. Could you
20 describe what that was?

21 A. Yes, the gentleman in charge of the buses at that
22 stage of the game when all this fuss and fury was raised
23 walked over and said, "I am not going to accept your checks,
24 I want cash."

25 Q. Had he heard the conversation with --

1 THE COURT: Just a moment, you can't ask that.
2 That's an objectionable question.

3 MS. PILSBURY: Well, I want to know, Your Honor, if
4 he was present.

5 THE COURT: You may want to know it, but you have
6 to ask the proper question. You can't ask her whether he
7 heard.

8 BY MS. PILSBURY:

9 Q. Was the gentleman from the bus company in the room
10 while you were discussing your financial problems with the
11 telephone company?

12 A. Yes, it was a public office and he was standing
13 there.

14 THE COURT: The answer is yes.

15 BY MS. PILSBURY:

16 Q. What happened after that in regard to the payment
17 for the buses?

18 A. Well, at that stage of the game he approached and
19 said that he would insist on being paid in cash.

20 Q. How much money are we talking about here,
21 approximately, in terms of both the buses and the telephone
22 bill, or telephone company charge?

23 A. Approximately \$15,000 for the bus company and
24 approximately \$7,000 or \$8,000 -- I am not too sure -- in
25 regard to the telephone company.

1 Q. Were you able to raise all this money in cash?

2 A. With great difficulty, the --

3 THE COURT: The answer is yes or no.

4 BY MS. PILSBURY:

5 Q. Were you able to?

6 A. Yes.

7 Q. And how did you do it?

8 A. The final big thrust was a very good friend of the
9 peace movement who happens to be a very prestigious gentleman
10 in the city, in spite of the fact that the banks were closed,
11 he had his bank opened and they gave him the cash, and we in
12 return gave him the proper checks to cover them.

13 Q. When, in relation to the November 15th
14 demonstration, did this take place?

15 A. It was on the eve or the day prior, that is what
16 made it so critical.

17 Q. Did you ever have any contact with Steve Wilcox
18 after this day?

19 A. No.

20 Q. Did he come back to the office?

21 A. To my knowledge not.

22 Q. Now, was there anything -- were there any other
23 unusual episodes that you recall immediately prior to the
24 November '69 demonstration?

25 A. Yes. A few --

1 Q. What was it?

2 A. A few months preceding -- may I describe it, Your
3 Honor?

4 THE COURT: She has asked you now, you can.

5 THE WITNESS: A few months preceding the
6 demonstration I received a telephone call from a young man
7 who was a friend and a member of the Black United Front. He
8 claimed to have in his possession a letter that was
9 purportedly written by Sid, and the inference was that it was
10 Dr. Sidney Peck.

11 Q. Who is Dr. Sidney Peck?

12 MR. WHITE: I object to that last answer, Your
13 Honor. There was no statement as to who made the inference.

14 THE COURT: Well, you can lay a predicate for that.
15 Does she know who Sid is, if she does.

16 BY MS. PILSBURY:

17 Q. First, let me ask you who is Dr. Sidney Peck?

18 THE COURT: First ask her if she knows who Sid is.
19 You said that the letter was signed by Sid?

20 MS. PILSBURY: Yes, Your Honor, but, I would like
21 to proceed this way, if I may.

22 THE COURT: I would like to know whether she knows
23 who Sid is.

24 BY MS. PILSBURY:

25 Q. Okay, Ms. Gurewitz, first did you see the document

1 that the young man was referring to?

2 A. No, he was speaking to me over the telephone.

3 Q. Did you later see it?

4 A. Yes.

5 Q. And how was it signed?

6 A. It was signed Sid.

7 Q. Did you know who that referred to?

8 A. From the contents of the letter --

9 THE COURT: The answer to that question is --

10 THE WITNESS: Yes.

11 BY MS. PILSBURY:

12 Q. Who did you believe it referred to?

13 A. Dr. Sidney Peck.

14 Q. Who was Dr. Sidney Peck?

15 A. He was one of the national coordinators of the

16 Mobilization to End the War in Viet Nam.

17 THE COURT: How do you spell his last name?

18 MS. PILSBURY: P-E-C-K, Peck.

19 BY MS. PILSBURY:

20 Q. What was the nature of the document?

21 A. It was a very ugly --

22 THE COURT: Don't describe it in those kind of
23 terms. What did the document say?

24 MS. PILSBURY: Well, Your Honor, I'd have to --

25 THE COURT: She can't start out by saying it was

1 very ugly. That doesn't say anything, and it is provocative
2 and inflammatory. I will strike the answer and ask the jury
3 to disregard it. You have to modulate an objective answer,
4 and I will admit it.

5 BY MS. PILSBURY:

6 Q. Okay, Ms. Gurewitz, can you describe the contents
7 of that document in as neutral terms as you can possibly --

8 THE COURT: In as accurate terms as you can.

9 BY MS. PILSBURY:

10 Q. As accurate, of course.

11 A. It contained language which I don't think the judge
12 would allow me to use of Dr. Sidney Peck's supposed feeling
13 about a proposition that was raised by a Mr. Moore in terms
14 of penalizing people a dollar a head for the privilege of
15 demonstrating in the city of Washington.

16 Q. Did you know Dr. Peck well at this time?

17 A. Very well.

18 Q. Was the language in the document language that you
19 would have expected him to use?

20 A. Not at all.

21 Q. Did you show the document to him?

22 A. Did I personally? No.

23 Q. Now I am going to show you a document marked for
24 identification as Plaintiffs' Exhibit 23.

25 THE COURT: Before she testifies about it I want to

729C

1 If she proves that the defendant is responsible, it will go
2 to the jury. I can't help that it is inflammatory, I didn't
3 write it. The objection is overruled.

4 (Plaintiffs' Exhibit Number 23 was admitted in
5 evidence.)

6 BEFORE THE JURY:

7 THE COURT: That document will be received, but not
8 published until, or any excerpt of it published to the jury
9 until the defendant has established a proffer that it will
10 connect the document.

11 MS. PILSBURY: All right. Thank you, Your Honor.

12 BY MS. PILSBURY:

13 Q. Ms. Gurewitz, were you present at this time at any
14 meetings in which this issue of paying money to the Black
15 United Front was discussed?

16 A. Yes, I was.

17 Q. What was the effect of these discussions on your
18 plans for and preparations for the November 15th march?

19 A. It had a very chilling effect.

20 Q. How so?

21 A. Well, are you talking in terms of -- there was a
22 danger of physical attacks we felt because there was a very
23 divisive note --

24 THE COURT: Just a moment. Come to the bench.

25 AT THE BENCH:

1 THE COURT: That is rank speculation. I haven't
2 seen anything that suggests danger of physical attack.

3 MS. PILSBURY: She has never said that.

4 THE COURT: All right, I will strike the answer.

5 MS. PILSBURY: She is just nervous.

6 THE COURT: Okay.

7 BEFORE THE JURY:

8 THE COURT: Ladies and gentlemen, I am going to ask
9 you to disregard the witness' testimony with respect to what
10 she speculates to be a danger of physical attack. There has
11 been no evidence to support that and nothing that she
12 testified to that supports that. You will disregard that
13 answer.

14 Ms. Gurewitz, be very careful. You are dealing
15 with a volatile subject. When you make charges here on the
16 witness stand under oath, you are not allowed to speculate.
17 The fact that you may have some fear personally doesn't mean --

18 THE WITNESS: I thought that that was what was
19 being questioned.

20 THE COURT: No, I don't think that -- that answer --
21 it has to be something that you have something concrete to
22 anticipate. I think that -- I am not sure this witness is
23 competent to testify about the effects.

24 MS. PILSBURY: Your Honor, my question to Ms.
25 Gurewitz would be to simply describe what time was spent,

1 that she was aware of, discussing and dealing with this issue.

2 THE COURT: This problem.

3 MS. PILSBURY: This problem.

4 THE COURT: The problem being?

5 MS. PILSBURY: The subject of the question of money
6 being paid to the Black United Front.

7 THE COURT: All right. Do you understand the
8 question?

9 THE WITNESS: Yes, I do and I apologize if I misled
10 you.

11 THE COURT: Go ahead.

12 THE WITNESS: Many meetings were spent with people
13 from the national committee and also with people that were
14 friendly from the Black United Front as to what the
15 insinuation of such a demand would be, and ultimately it was
16 decided that the demand was not real and that we had no
17 intention of honoring it.

18 BY MS. PILSBURY:

19 Q. Was it an issue over which there were disagreements
20 within the peace movement?

21 A. Yes.

22 Q. Was it strong disagreement?

23 A. At first. They changed.

24 Q. Did the issue cause hard feelings as far as you are
25 aware?

1 A. Absolutely.

2 MS. PILSBURY: I have no further questions, Your
3 Honor.

4 THE COURT: We will take our 11:00 o'clock recess
5 at this time. I don't know if the clock is right or not, but
6 for 15 minutes.

7 (Thereupon, a brief recess was taken.)

8 JURY NOT PRESENT:

9 THE COURT: Would the witness please return to the
10 witness stand.

11 MS. PILSBURY: Did you say you wanted the witness
12 to be back in the witness chair?

13 THE COURT: Yes.

14 BEFORE THE JURY:

15 CROSS-EXAMINATION

16 BY MR. WHITE:

17 Q. Ms. Gurewitz, my name is David White, and I
18 represent the five FBI agents who are defendants in this case.
19 I would like to ask you just a few questions about the
20 testimony that you have given earlier.

21 You testified that you were a participant in many
22 antiwar activities during the late 1960s; is that correct?

23 A. Yes.

24 Q. And specifically you were a member of the steering
25 committee for the National Mobilization Committee?

729 G

1 A. Twelve years.

2 Q. How old are you now?

3 A. Thirty.

4 Q. What first brought you to Washington?

5 A. To attend American University as an undergraduate
6 and freshman.

7 Q. What year would that have been?

8 A. The year was 1969.

9 Q. And where did you live before you came to college?

10 A. I resided prior to that with my parents who still
11 live in New Jersey and I lived in New Jersey at that time.

12 Q. As a student in 1969 at American University, did
13 you participate in any student or political activities on
14 campus?

15 A. Yes.

16 Q. What activities did you become involved in?

17 A. I was a writer for the student newspaper called the
18 Eagle, the American University Eagle. I was active in
19 student affairs, student government, and I was also active in
20 what we would call antiwar activities on the campus.

21 Q. Was there a particular antiwar or peace group on
22 the campus in 1969?

23 A. Yes, there was.

24 Q. What was the name of it?

25 A. The Student Mobilization Committee to End the War

1 in Viet Nam, called the Student Mobilization Committee.

2 Q. And is that sometimes identified just by its
3 initials SMC?

4 A. Yes.

5 Q. Was the Student Mobilization Committee already in
6 existence when you arrived at AU?

7 A. To the best of my knowledge it was.

8 Q. Now, was there a parent organization that the
9 student mobilization committee worked with?

10 A. I understood that there was a National Mobilization
11 to End the War and that this student mobilization group was
12 the student arm or student component of it.

13 Q. Had you ever been active in any kind of antiwar or
14 peace activities before you came to college?

15 A. No.

16 Q. What did you understand as a freshman to be the
17 goal or goals of the Student Mobe?

18 A. Well, of course, first to end our involvement in
19 Viet Nam, our military involvement, and second to get as many
20 students organized as possible to voice their opinion on the
21 war.

22 Q. Now, directing your attention to the fall of 1969,
23 can you recall if there were any major peace demonstrations
24 that fall?

25 A. Yes.

1 Q. Did you participate in them?

2 A. Yes, I did.

3 Q. What would be the first of such major
4 demonstrations that you participated in?

5 A. It was known as the National Moratorium Day in
6 October of 1969. This was in concert in Washington, D.C. as
7 well as in concert in other cities around the country.

8 Q. And what was the thrust or the theme of the
9 Moratorium Day?

10 A. It was called "no business as usual," that there
11 should not be any usual business while the war in Viet Nam
12 continued under the Nixon administration.

13 Q. What was the extent of your participation in that
14 activity?

15 A. I helped to get students to go to the demonstration,
16 to inform them about the war, the Government's conduct of the
17 war, to provide films and educational material, to pass out
18 leaflets. That was the general kind of work that I think any
19 general member of the Student Mobilization Committee would
20 have undertaken.

21 Q. Now, was --

22 THE COURT: Excuse me, can the last jurors hear?
23 The alternates, you can hear? Very well.

24 BY MS. PILSBURY:

25 Q. Mr. Pollock, were your activities mostly on campus

1 or off campus?

2 A. On campus. There were a few off campus, but mainly
3 on campus.

4 Q. And then after the October Moratorium Day, did you
5 engage in any other major activities that fall?

6 A. Yes, that fall there was a second.

7 Q. What was the second?

8 A. It was in November of 1969 in which people -- they
9 weren't staying at home, they were all encouraged to come to
10 Washington, D.C., the nation's capital and to express their
11 opinion about the war here.

12 Q. What was your participation in that activity?

13 A. There were a number, of course. Again, the general
14 kind of support that you do, the leafleting and that kind of
15 stuff and films and meetings. I was a student at the time,
16 of course, trying to keep up my academic level, too, but in
17 addition we had a special responsibility. We were housing
18 people who came in from out of town, and I helped to serve as
19 a marshal during the demonstrations.

20 Q. As a marshal?

21 A. A marshal was an individual who helped to make sure
22 that the march was peaceful and orderly, that if there were
23 any individuals in the demonstration that needed assistance,
24 we would provide assistance, give directions, guidance, that
25 kind of stuff. And there were many marshals that were used

1 to try to make sure that it was a peaceful and lawful
2 assembly.

3 Q. Did you receive any training before the march on
4 how to carry out your duties as a marshal?

5 Q. Yes.

6 Q. And where would you get that training?

7 A. I want to one of the area churches where I received
8 it.

9 Q. Did you ever go down just directly around this time
10 period -- did you ever good down to the New Mobe offices at
11 1029 Vermont Avenue?

12 A. On occasion, I did.

13 Q. Now, did any students from AU participate in this
14 November '69 demonstration?

15 A. Yes.

16 Q. Do you have any idea -- can you make any estimate
17 as to how many?

18 A. Perhaps a thousand, maybe more. It was hard to
19 pinpoint the number.

20 Q. Was there interest on campus about the
21 demonstration?

22 A. Yes, there certainly was.

23 Q. Did the campus newspaper -- I believe you have
24 referred to it as the Eagle, did it carry news about the
25 upcoming demonstration?

1 A. It did.

2 Q. Did it take any position on it one way or the other?

3 A. It felt that people should express their views. It
4 peacefully was a critic of our involvement, editorially, but
5 I don't think that it actually urged people to go to one
6 precise demonstration or another. I don't think they saw
7 themselves as sort of an advertiser for demonstrations and
8 the staff, and myself as a staff member also took that to
9 heart.

10 Q. Was there any other student newspaper on campus
11 that fall?

12 A. Yes, there was another publication that called
13 itself an alternative newspaper.

14 Q. What was the name of that publication?

15 A. It was known as the Rational Observer.

16 Q. Okay, Mr. Pollock, I'm going to show you a document
17 marked for identification as Plaintiffs' Exhibit 27.

18 THE COURT: Let me have one.

19 BY MS. PILSBURY:

20 Q. I direct your attention to the pages attached to
21 the first page of that document. Do you recognize the
22 attached pages there?

23 A. Yes.

24 Q. What is it or what are they?

25 A. It is a copy, issue number 2 of the Rational

1 Observer. It is a Xerox copy.

2 Q. Is this the alternative student newspaper that you
3 referred to?

4 A. Yes.

5 Q. Was it available for free on the campus?

6 A. Yes.

7 Q. Where on the campus was it distributed or available?

8 A. It was distributed in the dormitories, the student
9 union, other locations around the campus.

10 Q. And did it take a position on the war and on
11 antiwar activities? ,

12 A. Yes, it did.

13 Q. What was its position on the war?

14 A. It suggested -- well, first of all, it was rather
15 supportive of our involvement in Indochina and of the Nixon
16 administration policies. It suggested that people ought not
17 to go to demonstrations. There was a suggestion in this
18 issue that people might lose their jobs later after they
19 graduated if they were to participate in the Student
20 Mobilization Committee and other antiwar or peace groups.

21 Q. Does it criticize the Student Mobilization
22 Committee by name?

23 A. Yes, it does.

24 Q. Did it indicate in any of its issues why students
25 should hesitate to be involved in antiwar activities?

1 A. Well, like I said, it suggested that perhaps later
2 in life you might lose a a job or be embarrassed if you were
3 involved in peace activities.

4 Q. Can you remember exactly what was said? Can you
5 remember without looking at the document?

6 Q. Yes. Basically that one should not act with peace
7 groups in haste because it might cause embarrassment later in
8 life.

9 Q. Did this alternative newspaper, the Rational
10 Observer, have any editorial position on the regular student
11 newspaper that you worked for?

12 A. Yes, it did.

13 Q. What was its position?

14 A. It was very critical of the student newspaper. It
15 suggested that the students ought to enjoin the newspaper or
16 censor it from publishing information about peace
17 demonstrations or the war in Viet Nam. It also suggested
18 that perhaps students might not want to pay for the newspaper
19 through their student fees. It inferred that. It encouraged
20 people to be critical of the student newspaper.

21 Q. Now, at the time when you were a college student,
22 who did you think wrote this alternative newspaper?

23 A. I thought it was done by students because it even
24 says on the first page about what is a Rational Observer. It
25 says it is printed by a group of students.

1 Q. Did there come a point in time when you learned
2 that the Rational Observer was not written by students, but
3 was written by the FBI?

4 A. Yes.

5 Q. When was that?

6 A. I learned it earlier this year when we were going
7 through the FBI files.

8 Q. Is there anything in the document that I have shown
9 you that indicates that the FBI was the author of the
10 Rational Observer?

11 A. Yes, there is.

12 Q. What is that?

13 A. There is a memorandum from the special agent in
14 charge of the Washington field office to the director of the
15 Federal Bureau of Investigation.

16 Q. What does it indicate?

17 A. It indicates that there is a Xerox copy of the
18 Rational Observer attached and that the Washington field
19 office requested the permission to print and distribute the
20 Rational Observer. They said that for the sake of security
21 the Washington field office would have it printed up by the
22 Bureau on what they referred to as unwatermarked paper. They
23 said the distribution of the paper would be handled by a
24 source using a cut out, and I don't know what that refers to,
25 to avoid any affiliation with the FBI, and that the

1 in this case a discovery demand to the Federal Defendants on
2 that question. Was Mr. Wilcox an informant, or do we have a
3 file on Mr. Wilcox, or do we know anything about Mr. Wilcox?

4 THE COURT: Did you ever claim the privilege?

5 MR. WHITE: We never had the opportunity to. I
6 inquired as to whether he was an informant and he was not.

7 THE COURT: I still want to have the question.

8 MR. WHITE: I can deal with the hypothetical issue.

9 THE COURT: I need it. Believe me, I am in a
10 learning stage about the principles of law. This may come up
11 in some other situation.

12 MR. WHITE: One of my concerns in connection with
13 this, Your Honor, is how to deal with the inferences that are
14 being built where the plaintiffs have in fact no proof that
15 they ever saw anything from the Federal defendants regarding
16 this issue.

17 THE COURT: I have a proffer that they are going to
18 tie these things up. Do you think we ought to have a little
19 voir dire on Monday morning when we have this document of
20 yours?

21 MR. WHITE: I believe the defendants are being
22 severely prejudiced in this case by these inferences that Mr.
23 Wilcox was an informant. Now, if the plaintiffs do have
24 evidence to make that proposition more conclusive than it is
25 now, it might be helpful.

1 THE COURT: We will spend a little time on this
2 Monday morning. You get yourself in place, and I will get
3 myself in place, and we will wrestle with this. You may need
4 some instructions and you may be entitled to a mistrial, but
5 let's deal with it now, now that it is in full flower.

6 (Thereupon, the luncheon recess was taken.)
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1 A. Well, among other things I was a -- I continued as
2 a peace activist. I was a draft counselor on the college
3 campus.

4 Q. What was your draft status?

5 A. At the time I was 2-S.

6 Q. Did you maintain that status throughout college?

7 A. No, I did not.

8 Q. What happened to change it?

9 A. I was -- I had a 2-S deferment which means I was
10 deferred from the draft, and I sent my selective service or
11 draft card to my Congressman.

12 Q. Why did you do that?

13 A. To protest the war in Viet Nam. I felt it was very
14 unfair that people --

15 MR. WHITE: Your Honor, I object.

16 THE COURT: Sustained. He gave the answer. He
17 said it protests --

18 MS. PILSBURY: He had not finished his answer, Your
19 Honor.

20 THE COURT: He's finished it as far as I am
21 concerned.

22 BY MS. PILSBURY:

23 Q. And what happened when you sent your card into your
24 Congressman?

25 MR. WHITE: Your Honor, I would object to the

1 relevancy of that.

2 THE COURT: Come to the bench.

3 AT THE BENCH:

4 THE COURT: May we have a proffer?

5 MS. PILSBURY: He will simply testify how his draft
6 status was changed from 2-S to 1-A, and the reason I am
7 bringing this out is to give the jury some brief background
8 about his own personal beliefs about the war --

9 THE COURT: The objection is sustained.

10 BEFORE THE JURY:

11 THE COURT: Ladies and gentlemen, you are
12 instructed to disregard the draft status of this witness and
13 the testimony about it.

14 BY MS. PILSBURY:

15 Q. Did you participate in any other political or peace
16 activities during that school year other than the draft
17 counseling?

18 A. I was still a member of the Student Mobilization
19 Committee to End the War in Viet Nam. Of course --

20 Q. Were there any antiwar activities, any specific
21 organized antiwar activities on campus that year after the
22 fall of 1969?

23 A. In the spring.

24 Q. Could you just describe briefly what those were?

25 A. There was a student strike as a result of the U.S.

1 military invasion of Cambodia and later because of the
2 killings of students at Kent State University and Jackson
3 State.

4 Q. Did you participate in those strikes?

5 A. Yes, I did.

6 Q. What was the nature of your participation?

7 A. I was a member of the Student-Faculty Strike
8 Committee at American University.

9 Q. Was this a strike that was participated in by both
10 students and faculty?

11 A. Yes, it was.

12 Q. Were there any other activities that spring that
13 you were involved in?

14 Q. Aside from those particular activities I don't
15 believe so.

16 Q. Were you engaged in any political activities over
17 the summer of 1970?

18 A. No, I was working my way through college. So that
19 summer I was working in New Jersey.

20 THE COURT: The answer is no.

21 BY MS. PILSBURY:

22 Q. What was your -- proceeding ahead in time here
23 chronologically what was the next major peace or antiwar
24 activity that you became engaged in?

25 A. Well, the next time was in early 1971.

1 Q. What sort of activity did you become involved in at
2 that time?

3 A. I covered a conference in Ann Arbor, Michigan on
4 the war.

5 Q. When you say you covered it, could you explain what
6 you mean by that?

7 A. I was reporting for the Eagle, the student
8 newspaper in Michigan. At that same time there was also
9 another military invasion of Laos.

10 THE COURT: Excuse me, my attention wandered. You
11 were reporting what? I didn't hear that.

12 THE WITNESS: There was a peace conference in Ann
13 Arbor, Michigan, Your Honor, and I was covering it for the
14 student newspaper.

15 THE COURT: Thank you.

16 BY MS. PILSBURY:

17 Q. What, if anything, happened as a result of that
18 peace conference in terms of your activity?

19 A. I became acquainted with members of the People's
20 Coalition for Peace and Justice, people who are national
21 staff members. I became very impressed with them and
22 acquainted with them.

23 Q. Did you begin to associate yourself with their
24 activities?

25 A. Yes, I did.

1 THE COURT: Now, that's leading. Go ahead and ask
2 it, but be careful about leading.

3 BY MS. PILSBURY:

4 Q. What were the goals, if any, of the People's
5 Coalition for Peace and Justice?

6 A. To end the war in Viet Nam and stop the killing,
7 and also we looked at domestic issues, principally poverty
8 and human needs.

9 Q. Was this group distinct in its policies and goals
10 from other peace organizations?

11 A. In that it looked not only at the war, but at
12 poverty issues and human needs issues, too.

13 Q. Did PCPJ have an office in Washington, D.C.?

14 A. Yes, it did.

15 Q. And where was that located?

16 A. 1029 Vermont Avenue, Northwest.

17 Q. Do you have any personal knowledge as to when they
18 first acquired office space at 1029 Vermont?

19 A. No, sometime that year, but I don't know.

20 Q. And that year, again, would be which year?

21 A. 1971 was when I first went there.

22 MS. PILSBURY: If I could have a moment, Your Honor?

23 THE COURT: Certainly.

24 BY MS. PILSBURY:

25 Q. I am going to show the plaintiff a document marked

1 am trying to determine which document that is.

2 THE COURT: We are talking about 67 and 45.

3 MS. PILSBURY: So 67 would be the additional
4 document.

5 THE COURT: 67 is received, but 45 is not now in
6 evidence and it is also received.

7 MS. PILSBURY: Thank you, Your Honor.

8 THE DEPUTY CLERK: Plaintiffs' Exhibit 67 received
9 in evidence.

10 (Plaintiffs' Exhibit Number 67 was admitted in
11 evidence.)

12 BY MS. PILSBURY:

13 Q. Mr. Pollock, did you learn anything from reviewing
14 those documents about the date on which your conversations
15 were overheard?

16 A. Yes.

17 Q. What was that date?

18 A. It was in this case, for Exhibit 67, April 20th,
19 1971 in which my conversation was overheard by the FBI.

20 Q. Were you aware at this period of time of ever being
21 under physical surveillance by any government agencies or by
22 anyone?

23 A. Yes.

24 Q. When was that?

25 A. It was approximately --

1 Q. First, let me ask you this: Was that on more than
2 one occasion at this time that we are speaking of?

3 A. I am speaking of one particular instance or
4 incident.

5 Q. Could you describe that one particular incident?

6 A. Yes. I might add there were other incidents --

7 THE COURT: You have to answer the question, Mr.
8 Pollock.

9 THE WITNESS: I'm sorry.

10 BY MS. PILSBURY:

11 Q. Speaking now just of this one particular incident,
12 can you place a date on it?

13 A. It was approximately one week before the April 24th
14 demonstration on a Friday evening.

15 Q. And how does that compare to the date on which you
16 were overheard on this wiretap?

17 A. It is approximately the same time period in which
18 this wiretap was -- demonstrates an interception of a
19 telephone conversation.

20 Q. Okay. What happened on the incident that you
21 referred to?

22 A. I spoke to a friend of mine, a student at the
23 newspaper at the American University. That Friday evening
24 over a telephone which I was using at PCPJ, we elected to go
25 to a farm house to spend the weekend. It was about midnight

1 when we spoke and left around 2 a.m. in the morning.

2 Q. Where did you leave from?

3 A. We left from the offices of the People's Coalition
4 for Peace and Justice at 1029 Vermont Avenue. Upon leaving,
5 within a block or two of leaving we noticed that a car was
6 following us. The reason why we knew this was because the
7 front amber light was out. One was on and one was out. We
8 traveled very late in the night with this single car behind
9 us and then getting off the road as if it was turning off the
10 road and then reappearing. To say the least, my friend who
11 has had no political activity and his girlfriend who was
12 accompanying him were very, very upset. She was very
13 agitated and tense and weeping.

14 Q. How far did the car follow you?

15 A. We went into Virginia, and we were going out to a
16 spot near West Virginia, and we were near Leesburg, when we
17 pulled off the road to an all night diner. We pulled off and
18 had a cup of coffee. We attempted to try to calm her nerves
19 and perhaps suspected that we really just imagined it all,
20 and it was just a coincidence. We got back on the road and
21 30 seconds later that same car reappeared again and tailed us
22 in the dead of night until 5 a.m. in the morning, no other
23 cars at all, just continued to tail us, go off the road and
24 come back on again.

25 Q. Did it follow you all the way to your destination?

1 MR. WHITE: Your Honor, I object to the relevancy
2 of this testimony.

3 THE COURT: Come to the bench.

4 AT THE BENCH:.

5 MS. PILSBURY: We will be offering evidence from
6 FBI witnesses that among the techniques the FBI used to deter
7 people from being politically active was to let them know
8 that they were being watched and to interview them and to
9 encounter them so that they would become frightened and
10 paranoid.

11 MR. WHITE: My objection goes to which defendant .
12 this would be connected to and whether there will be an
13 effort to tie this to a defendant.

14 MS. PILSBURY: We have no evidence as to who was
15 driving the car. All we can show is that it was
16 contemporaneous with his being overheard on the wiretap and
17 they followed him from the PCPJ office.

18 THE COURT: Objection overruled.

19 BEFORE THE JURY:

20 BY MS. PILSBURY:

21 Q. I believe my last question, Mr. Pollock, was
22 whether the car followed you all the way to your destination?

23 A. Almost to the end. We eluded him at the very last
24 moment.

25 Q. So you never encountered the people in the car?

1 A. No, we did not.

2 Q. Do you have any knowledge of who was driving the
3 car, any factual actual knowledge?

4 A. There were two adults -- just two adults that were
5 in the car.

6 Q. You don't know who they were though?

7 A. No.

8 Q. Directing your attention to the summer of 1971,
9 were you active in any activities at that time?

10 A. Yes.

11 Q. What?

12 A. I joined the U.S. National Student Association.

13 Q. What is that, what kind of organization is that?

14 A. It is an organization of student government leaders
15 from college campuses around the country.

16 Q. In the fall did you return to college?

17 A. I did not. I could not -- I didn't feel
18 comfortable with the affluent students that were there.

19 Q. Did you work?

20 A. Yes, I was working my way through college.

21 Q. And did you work in the fall of '71?

22 A. Yes, I did.

23 Q. Where were you working?

24 A. Again, I was with the National Student Association.

25 I was the director of international student affairs.

1 Q. Was that a paid job?

2 A. Yes, it was.

3 Q. Where were you living at this time, the fall of '71?

4 A. I lived on Lanier Place in Northwest Washington.

5 Q. At this time did you know a woman by the name of
6 Anne or Annie Kolego?

7 A. I did.

8 Q. What was she?

9 A. She was a volunteer for a peace organization in
10 town.

11 Q. Was she associated with any particular peace
12 organization as far as you knew?

13 A. Yes.

14 Q. Which one?

15 A. It was a group called the Antiwar Union.

16 Q. Did she live near you?

17 A. Yes.

18 Q. How close?

19 A. Several blocks. She eventually moved in with two
20 women who worked at the Antiwar Union, Carol Cullum and
21 Noreen Banks. C-U-L-L-U-M, and Noreen Banks, B-A-N-K-S.

22 Q. Did this woman have a job as far as you knew? Was
23 she employed at the time you knew her?

24 A. Ms. Kolego?

25 Q. Yes.

1 A. I didn't know of any employment whatsoever. She
2 was at the peace organization offices frequently.

3 Q. Was she a student?

4 A. She said that she had gone to George Washington
5 University.

6 Q. Approximately what was her age at that time?

7 A. Early 20s.

8 Q. Was she a contemporary of yours?

9 A. Yes.

10 Q. Did she attend meetings that you were present at?

11 A. Yes.

12 Q. And would she participate in planning peace
13 activities at that time?

14 A. Yes, sometimes vocally.

15 Q. Would she participate in discussions about strategy
16 and so forth?

17 A. Yes.

18 Q. Could you characterize the nature of her
19 contributions to the discussions?

20 A. She would offer volatile suggestions from time to
21 time. In one specific instance she recommended that an
22 illegal activity, going over the White House fence, be part
23 of a -- then what was to be a peaceful demonstration, and
24 that was the outcome of that demonstration as it turned out.

25 Q. What did you understand her to mean by going over

1 the White House fence?

2 A. She thought that the demonstrators ought to leap
3 over the White House fence. What one would do upon doing
4 that, I'm not really sure, but I'll tell you this --

5 THE COURT: Don't tell us anything that you are
6 speculating about.

7 THE WITNESS: Well, I won't then.

8 BY MS. PILSBURY:

9 Q. How was that suggestion received at the meeting?

10 A. Vehement denial and a reprimand to Anne Kolego that
11 that was not the objective of either the demonstration or the
12 organization.

13 Q. Can you identify when in time this particular
14 suggestion was made?

15 A. It was in the fall of 1971.

16 Q. Was there subsequently a demonstration at the White
17 House?

18 A. There was.

19 Q. Did anybody try to jump over the fence?

20 A. To the best of my knowledge no one attempted to.

21 Q. Was she at that demonstration?

22 A. I believe she was.

23 Q. Did she attend any other demonstrations that you
24 were at?

25 A. Yes.

1 Q. What ones?

2 A. There was one at the Capitol building that took
3 place.

4 Q. Do you recall approximately when that was?

5 A. I believe that was again in the fall of 1971.

6 Q. What, if anything, occurred at that demonstration?

7 A. There was some violence at that demonstration, at
8 the rear of the demonstration. There was yelling and
9 screaming and objects were being thrown at the police. There
10 was some smoke bombs and other things that went off. It was
11 very disruptive.

12 Q. Who was sponsoring that demonstration?

13 A. I believe it was the People's Coalition for Peace
14 and Justice and the Antiwar Union were the two organizations.

15 Q. And you indicated that Annie Kolego was at that
16 demonstration. Did you actually see her at the demonstration
17 yourself?

18 A. I did.

19 Q. And what was she doing?

20 A. She was yelling profanities at the police. She was
21 throwing objects at the police and urging others nearby to do
22 the same thing.

23 Q. Did you consider her a personal friend?

24 A. Yes.

25 Q. Did she ever ask if she could share your apartment

1 or your residence with you?

2 A. She asked if she could move into my apartment.

3 Q. Did you allow her to?

4 A. No.

5 Q. Did there come a time when you learned that she was
6 an agent for the D.C. Police Department?

7 A. Yes.

8 Q. When was that?

9 A. I learned in the fall of -- well, it was late
10 summer, August of 1973.

11 Q. Did you ever have any personal contact with her
12 after that?

13 A. Yes, I did.

14 Q. How was she attired?

15 A. She was wearing a uniform of the D.C. or
16 Metropolitan Police Department and she was standing by a
17 police car that she had driven.

18 Q. Now, I believe you indicated earlier that you had
19 been aware of being under physical surveillance by law
20 enforcement personnel on more than one occasion.

21 A. That's true.

22 Q. Is that correct?

23 A. That is true.

24 Q. Can you describe what the other occasions were that
25 you haven't discussed?

1 A. There would be be unmarked cars from law
2 enforcement officials parked in the front and in the back of
3 my house.

4 MR. WHITE: Your Honor --

5 THE COURT: Objection is sustained. He is making a
6 conclusion that they were law enforcement officials.

7 MS. PILSBURY: That was my next question, Your
8 Honor.

9 BY MS. PILSBURY:

10 Q. First, well, how did you know they were law
11 enforcement officials?

12 THE COURT: Why don't you say what made him think
13 they were --

14 BY MS. PILSBURY:

15 Q. What made you think that they were law enforcement
16 officials if the cars were unmarked?

17 A. They had what one would consider -- they had radios
18 within the car that one would not consider an AM or FM or CB,
19 and it had little antennas on the back, and they had one or
20 two men in there that had short hair and would sometimes even
21 call out my name before going to work saying, "Hope you have
22 a good time, Rich. Hope you have a good day."

23 Q. When did you observe these? What period in time
24 are you talking about?

25 A. The period of 1971, 1972. That would be the most

1 intense. I saw them on occasion, I believe, in 1973.

2 Q. On how many occasions, if you can approximate, did
3 you see cars parked near your residence that you believed
4 were police cars, unmarked or whatever?

5 A. Countless times, 20 times, 30 times. You would see
6 them either -- there was a parking lot behind my house and
7 they would either be in the parking lot where you could exit
8 through the back, or they would be parked in the front of the
9 house as we exited.

10 Q. How frequently would they speak to you?

11 A. From time to time.

12 THE COURT: I beg your pardon?

13 THE WITNESS: From time to time. In other words,
14 sometimes they wouldn't say anything, they would just look at
15 me. Other times when the weather was a little bit warmer, I
16 think they rolled down the window and they would wish me well
17 for the day. I think they took some satisfaction --

18 THE COURT: Just a moment. That's speculation.

19 BY MS. PILSBURY:

20 Q. Did you ever have any conversations with any of
21 these people that was more than just "hello"?

22 A. Yes, on one occasion.

23 Q. When was that occasion, approximately, if you
24 recall?

25 A. I believe it was 1973, but I can't recall the exact

1 date. '72 or '73.

2 Q. And where did that encounter take place?

3 A. Well, it was in an unemployment line.

4 MR. WHITE: Your Honor, I would like to object to
5 the testimony that is going to come at this point.

6 THE COURT: Let's have it at the bench.

7 AT THE BENCH:

8 THE COURT: Do you want to proffer?

9 MR. WHITE: I would like to fill out the objection
10 so counsel understands it. His testimony prior to this
11 current question was did you ever see any of these people on
12 any other occasion. He is now about to testify about
13 something that occurred outside of a car but at an
14 unemployment office in which he was approached by two FBI
15 agents whose names were given to him and whose names are in
16 the file. The evidence won't show that those two agents
17 physically surveilled him in the cars.

18 MS. PILSBURY: Right, and I never said that it was.

19 MR. WHITE: But the question implies that it was.

20 THE COURT: Why didn't you phrase the question so
21 there will be a clear period before it comes.

22 MS. PILSBURY: I am assuming they aren't the same
23 agents. Does he know --

24 THE COURT: The question assumes they were.

25 MS. PILSBURY: I don't know whether they were or

1 not.

2 THE COURT: Of course you don't, and therefore you
3 don't want the jury to get the impression different from what
4 your knowledge is, so start over.

5 BEFORE THE JURY:

6 BY MS. PILSBURY:

7 Q. Mr. Pollock, you indicated that there was an
8 occasion on which you had an extended conversation with some
9 individuals. Are these the same individuals that were parked
10 in the cars, if you know?

11 A. I can't recall.

12 Q. Could you see the faces of the people that were
13 parked in the cars?

14 A. Yes.

15 Q. Now, I believe you testified as to when this second
16 encounter took place.

17 A. The encounter in the unemployment office?

18 Q. Yes.

19 A. I believe it was 1972 or 1973. I might have to
20 refresh my memory.

21 Q. Again, where did this take place?

22 A. It happened in the D.C. Employment Compensation
23 office here in Washington.

24 Q. Describe what happened, if you will.

25 A. I was unemployed and receiving unemployment

1 benefits. I was in line, as many people are, in order to
2 sign for that period of benefits. It was a long line and two
3 gentlemen walked up, one of them wearing an army jacket,
4 fatigues and sort of hippie attire and the other one better
5 dressed. They came up to me and one of them pulled out a
6 badge and said, "Hi, I'm such and such" -- I don't recall the
7 name at the moment -- but he said, "I'm special agent such
8 and such of the Federal Bureau of Investigation, and this is
9 my partner, and we would like to talk to you."

10 Q. Did you make a response at that point?

11 A. Well, yes, I chatted with them to say the least,
12 but it was --

13 Q. How did you feel?

14 A. Extremely uncomfortable, extremely nervous to say
15 the least.

16 Q. What did they talk with you about?

17 A. They tried to engage me in a whole range of
18 discussions about the opinions I held on all sorts of
19 political issues, current events, things that were happening
20 in this country and elsewhere. It was a long conversation.

21 Q. About how long did it continue?

22 A. Two and a half hours.

23 Q. Were you in the unemployment line this whole time?

24 A. For about a half hour of that I was in the
25 unemployment line. The remainder of the time was in the

1 lobby of the unemployment office, and then they elected to
2 drive me home, and I got into their squad car and they drove
3 me to the Massachusetts Avenue and 17th Street and dropped me
4 off there with a little radio crackling and that sort of
5 thing.

6 Q. Did they describe to you or explain to you the
7 purpose of their interview?

8 A. No.

9 Q. Did you have an impression at that time as to why
10 they were talking to you?

11 A. I had no idea.

12 Q. Did it have any effect on your feelings about
13 further involvement in political activities?

14 A. Well not only was I concerned about --

15 THE COURT: You have to answer that question --

16 THE WITNESS: Yes, I was --

17 THE COURT: You have answered it.

18 BY MS. PILSBURY:

19 Q. What sort of an effect did it have?

20 A. I was concerned not only about future activities,
21 but I was worried about whether or not my unemployment
22 benefits might be cut off.

23 Q. What sort of future activities were you worried
24 about?

25 A. Well, any kind. Whether it is on the war or

1 individual rights or a whole range of different issues. I
2 felt very distrustful of people or less trusting of people
3 from that point forward, less trusting, I might say, in
4 having faith in my government.

5 THE COURT: That is objectionable and is stricken.

6 BY MS. PILSBURY:

7 Q. Did you continue to be politically active after
8 that?

9 A. I did.

10 Q. Were there ever any points during this period that
11 we have been talking about -- in your case '69 through '73
12 roughly -- where you didn't attend or curtailed your
13 political activities in any way?

14 A. Yes.

15 Q. Could you describe those occasions or occasion?

16 A. Well, for example, in that one demonstration where
17 Anne Kolego and others were inciting violence, I left that
18 demonstration early. I did not stay to hear the other
19 speakers. There were other kinds of activities. I wasn't as
20 involved in other groups. I became more of a private citizen
21 if you want to call it that.

22 Q. Why did you leave that demonstration early?

23 A. I was fearful for my safety.

24 Q. In what respect?

25 A. Well, I saw violence beginning to erupt and I was

1 remembered reading that passage.

2 MR. WHITE: I will rephrase the question. I
3 apologize, Your Honor.

4 BY MR. WHITE:

5 Q. Do you recall whether you read the entire document
6 in 1969?

7 A. I familiarized myself with that document. Whether
8 I read every single article to completion, I wouldn't say,
9 but I familiarized and skimmed everything in the document.

10 Q. As a result of reading that document in October of
11 1969, did you refrain from participating in any political or
12 other activity relating to the antiwar movement?

13 A. Yes.

14 Q. What was that?

15 A. There were future meetings that SMC had put on, had
16 sponsored. As I indicated --

17 THE COURT: Who put on?

18 THE WITNESS: They were meetings that they --

19 THE COURT: No. You said that somebody sponsored
20 them.

21 THE WITNESS: Oh, that the Student Mobilization
22 Committee to End the War in Viet Nam convened or held on the
23 campus, and you indicated earlier, it was a very gradual
24 thing, I was not a dedicated, committed individual.

25 THE COURT: The question is if there were any

1 meetings that you didn't attend, and your answer should be
2 directed to that question.

3 THE WITNESS: And the answer is yes.

4 BY MR. WHITE:

5 Q. There were meetings you did not attend as a result
6 of this document, as a result of that paragraph?

7 A. Yes.

8 Q. May I have the document, please?

9 Did you discuss in 1969 the Rational Observer with
10 any other students at American University?

11 A. Yes.

12 Q. Were there some students who agreed with the
13 contents and others who disagreed with the contents of the
14 paper?

15 A. I only met students who disagreed with it.

16 THE COURT: The answer to that question is fairly
17 simple.

18 THE WITNESS: I spoke to people about the document.

19 BY MR. WHITE:

20 Q. And what position did most people take that you
21 talked with concerning this document and its contents?

22 A. They disagreed.

23 Q. And did you disagree with it?

24 A. Yes, I did.

25 Q. So, even though you disagreed with the contents and

1 they disagreed with the contents, you are now stating that
2 you remember being deterred from attending meetings with the
3 Student Mobilization Committee?

4 A. Yes, sir.

5 Q. Wasn't your testimony this morning that you
6 continued and remained as a Socialist -- I apologize, I am
7 really having some difficulties -- if I refer to it by the
8 initials, I think I will keep it straight.

9 A. Fine.

10 Q. Wasn't it your testimony this morning that you
11 remained as a member of the SMC through the entire year?

12 A. Yes, sir.

13 Q. So there was an occasion in October and November at
14 which you did not go to meetings of the SMC, but then -- but
15 your interest in the SMC increased so that you became a more
16 active member later?

17 A. Yes, sir.

18 Q. But you did continue to participate in the
19 demonstration in October of '69 and the demonstration in
20 November of '69; isn't that correct?

21 A. Yes, sir.

22 Q. And you played quite an active role. You performed
23 an active role at both of those demonstrations, did you not?

24 A. No.

25 Q. Your testimony was that you participated in the

1 October demonstration in that you helped to get students and
2 encourage students to go and participate?

3 A. Yes.

4 Q. You encouraged them and that you provided films and
5 leaflets and educational material with regard to that
6 demonstration?

7 A. This is true.

8 Q. Isn't that more active than the normal demonstrator,
9 the normal student? Were there other -- I'm sorry, finish
10 the --

11 A. Your question, sir, was did I participate in the
12 October demonstration. I was just a participant. I was not
13 a leader or a speaker or anything out of the ordinary student
14 activity for October. For November, you are correct. I
15 played a more active role. That's why I said no.

16 Q. And the November demonstration was sponsored by the
17 National Mobilization Committee; is that not correct?

18 A. This is correct.

19 Q. And your testimony was that the National
20 Mobilization Committee was in the nature of the parent
21 committee of which the SMC was the student component; isn't
22 that correct?

23 A. That's correct.

24 Q. And your participation in the November
25 demonstration included helping to house people, serving as a

1 marshal; isn't that correct?

2 A. That is correct.

3 Q. You also testified that at that time you were a
4 reporter with the student newspaper?

5 Q. Yes, sir.

6 Q. The Eagle?

7 A. Yes, sir.

8 Q. When did you begin working with the student
9 newspaper?

10 A. Late September.

11 Q. Was there a particular subject matter that you were
12 mostly interested in?

13 A. No, sir.

14 Q. And you continued as a reporter -- is reporter the
15 right word?

16 A. That is the right word.

17 Q. Did you continue as a reporter with the student
18 newspaper for the remainder of the year?

19 A. Yes, sir.

20 Q. And did you also act as a reporter for the
21 following year, your second year in college?

22 A. Yes, sir.

23 Q. During those two years was there any point at which
24 any student or other person sought an injunction against the
25 newspaper?

1 particular reporting obligation.

2 Q. I understand, thank you.

3 Now, at that point you became acquainted with
4 persons associated with the People's Coalition for Peace and
5 Justice?

6 A. Yes, sir.

7 Q. Did you become acquainted at that time with Rene
8 Davis?

9 A. Yes, sir.

10 Q. And you subsequently, some months subsequent to
11 that, you began to share an apartment with Mr. Davis; isn't
12 that correct?

13 A. The timeframes are a little longer, but the answer
14 is yes.

15 Q. What would be your estimate as to the month and
16 year you shared an apartment with Mr. Davis?

17 A. It was either November or December of 1971, I
18 believe, it was very late in the year, and the Ann Arbor
19 meeting was February.

20 THE COURT: February of '72?

21 THE WITNESS: '71. In other words, I met Rene
22 Davis in February of 1971 and in November or December of that
23 same year, 1971, I moved in with Mr. Davis.

24 THE COURT: When did you move out? Have you come
25 to that or am I ahead of you?

1 A. I never really understood where the name originated.

2 Q. I will abandon the question.

3 In the city of Washington with regard to the
4 principal planning for that demonstration, was there any
5 other group with the May Day Collective, having sort of equal
6 status with it or even greater status, in connection with the
7 planning of that demonstration?

8 A. I don't recall any.

9 Q. Isn't it true that one of the announced purposes of
10 that demonstration, at least one of the published purposes as
11 a way of encouraging demonstrators to come to Washington, was
12 to shut down the city of Washington?

13 A. As I read its literature, that's what I understood.

14 Q. And that there were efforts planned to blockade
15 bridges coming into the city of Washington on that day?

16 A. Yes, with people.

17 Q. There were plans to do that, that was my question,
18 correct?

19 A. There was a proposal.

20 Q. Were there, to your knowledge, were there in fact
21 efforts made by individuals to block traffic, interfere with
22 the movement of cars and so on?

23 THE COURT: You can answer that yes or no.

24 THE WITNESS: Yes.

25 BY MR. WHITE:

1 Q. You have described a couple of incidents that led
2 you to believe that you had been physically surveilled; is
3 that correct?

4 A. Yes.

5 Q. And to summarize, one of these was an occasion in
6 which you and a friend were driving to West Virginia and you
7 believed there was a car following you on that trip; is that
8 correct?

9 A. That's correct.

10 Q. And did you believe at that time that it was a law
11 enforcement officer or government agent?

12 A. Yes, sir.

13 Q. Did you have any beliefs one way or another whether
14 it might have been a local or federal agent?

15 A. The belief was that it was someone from the FBI.

16 Q. You also stated that there were occasions in which --
17 approximately 30 occasions as you have estimated in which you
18 would see cars parked near your apartment, and you would on
19 occasion hear comments from the occupants; is that correct?

20 A. That's correct.

21 Q. And you believed at that time that they were there
22 for the purposes of watching your activities?

23 A. Yes, sir.

24 Q. Where were you living at that time?

25 Q. I was living at Lanier Place. L-A-N-I-E-R.

1 MR. SCHEMBER: I didn't hear that.

2 THE WITNESS: On Lanier Place, L-A-N-I-E-R Place,
3 Northwest.

4 BY MR. WHITE:

5 Q. Was that the -- were you at that time sharing the
6 apartment with Rene Davis?

7 A. Yes, sir.

8 Q. Would the cars follow you as you left the apartment
9 to go off to wherever you would be going?

10 A. There were one or two occasions where that did take
11 place.

12 Q. You described to a certain extent the radios inside
13 the car. How close were you to the car so that you could see
14 the radios?

15 A. A foot or two. The distance between a sidewalk and
16 a curb.

17 Q. So you would have to walk directly past the car as
18 it was parked on the street?

19 A. Yes, sir.

20 Q. Did you have an opportunity, then, since you were
21 that close, to see the face of anyone in those cars?

22 A. Yes, sir.

23 Q. Did you ever on any later occasion see any of those
24 individuals, either individual, that was in such a car?

25 A. I only saw the individuals in their cars.

1 Q. You did not on any later occasion or simultaneously
2 see them under any other circumstances?

3 A. Only in their cars. I would see them several times,
4 but only in their cars, no other situation.

5 Q. Now, was it your belief that the -- or did you have
6 a belief that the persons in the car were law enforcement
7 officers?

8 A. Yes, sir.

9 Q. Was it your belief that they were FBI agents or
10 something else?

11 THE COURT: I think he has answered that, Mr. White.

12 MR. WHITE: Thank you, Your Honor.

13 MS. PILSBURY: I am not sure he answered that yes.

14 THE WITNESS: I don't think --

15 THE COURT: Well, I'm sure he has. He said he
16 thought they were FBI.

17 MR. WHITE: Then you described in your earlier
18 testimony an occasion in which you were approached at the
19 unemployment office; is that correct?

20 A. That's correct. And is that the unemployment
21 office here in Washington?

22 A. Yes, sir.

23 MR. WHITE: I would like to have a document marked,
24 however this is a document in the proffered exhibit,
25 Plaintiffs' Exhibit 100 --

1 THE COURT: Why don't you mark it separately as
2 your exhibit.

3 MR. WHITE: Thank you.

4 THE COURT: With the proper number, whatever, 33.

5 MR. WHITE: This will be Federal Defendants'
6 Exhibit Number 33.

7 THE CLERK: Federal Defendants Exhibit 33 marked
8 for identification.

9 (Defendants' Exhibit Number 33 was marked for
10 identification.)

11 MR. WHITE: May I approach the witness?

12 THE COURT: Yes.

13 BY MR. WHITE:

14 Q. Mr. Pollock, I would like to show you a document we
15 have marked as Exhibit Number 33 and ask you to examine that,
16 if you would, just look at it. Have you seen this document
17 before?

18 A. Yes, sir.

19 Q. What were the circumstances in which you saw it?

20 A. On which I acquired my file from the FBI in the
21 process of discovery in this case.

22 Q. Do you recall at least the approximate time? If
23 you can I would like a month, but if you can pick a year that
24 seems right, that would be sufficient.

25 A. 1977, 1976, something along those lines, maybe's 78.

1 I can't -- late '70s.

2 Q. Mr. Pollock, as you look at that document, does
3 that document pertain to the contact that you described --
4 that you earlier described with two FBI agents?

5 A. Yes, sir.

6 Q. Does that document contain the names of the two FBI
7 agents involved?

8 A. Yes, sir.

9 Q. You testified earlier you could not recall their
10 names. Does this now refresh your recollection as to their
11 names?

12 A. Yes, sir.

13 Q. Would you tell the jury and to the Court please,
14 the names of the two agents involved?

15 A. Special Agent Robert J. Golden and Special Agent
16 William T. Tucker, part of the Washington field office.

17 Q. According to the document, Mr. Pollock, what was
18 the date of this interview?

19 A. It was February 14th -- February 1, I'm sorry, 1973
20 is the date upon which these two gentleman approached me.

21 Q. To your knowledge, were either of these two agents
22 ever defendants in a civil action in which you were a
23 plaintiff?

24 A. I cannot answer that because there were many
25 plaintiffs who have come and gone in this case.

1 Q. Many defendants.

2 A. Many defendants who have come and gone in this case.

3 Q. To your knowledge is either one of these agents a
4 defendant presently?

5 A. To the best of my knowledge neither one of them is
6 a defendant.

7 MR. WHITE: Your Honor, I would like to show Mr.
8 Pollock a copy of the amended complaint in this action. Is
9 it necessary to mark this as an exhibit?

10 MS. PILSBURY: Your Honor, just to speed things
11 along, we will stipulate that these special agents are not
12 defendants at the present time.

13 THE COURT: They are not included in the category
14 of unknown agents?

15 MS. PILSBURY: Well, they are not any of the five
16 named defendants, which I think is the point that counsel is --

17 THE COURT: Well, I don't know what point he is
18 making.

19 MS. PILSBURY: Well, I am not going to stipulate
20 that they are not unknown agents, no. I would stipulate that
21 they are not among the named agents.

22 THE COURT: Okay. You may continue with the
23 examination, Mr. White.

24 MR. WHITE: Thank you, Your Honor.

25 BY MR. WHITE:

1 Q. Now, Mr. Pollock, do you feel now that this event
2 was or that the agent's intent was to intimidate you in some
3 way, or to --

4 THE COURT: Are you talking about February of '73?

5 MR. WHITE: Yes, the incident described in the
6 document.

7 THE WITNESS: I could not speculate as to their
8 motives. I could tell you my own impression.

9 BY MR. WHITE:

10 Q. That is a better question, Mr. Pollock. What was
11 your reaction to the interview at that time?

12 A. There was intimidation that I felt from these two
13 gentlemen, both the approach, being singled out and the
14 location upon which they decided to initiate the conversation,
15 while I was standing literally in the line.

16 Q. Did they interfere with your efforts at that point
17 to acquire your unemployment check?

18 A. No, they stood several feet away looking over my
19 shoulder as I signed.

20 Q. As you moved through the line and signed for and
21 received the check?

22 A. Yes, sir.

23 Q. And then the conversation continued thereafter for
24 how long?

25 A. Perhaps two hours, maybe longer.

1 to each act state, A, the date and place it occurred; B, the
2 name of the defendant who committed the act and the name of
3 the defendant who supervised or directed the commission of
4 the act."

5 Mr. Pollock, I will ask you the same question I
6 asked you before, is whether the interview of February 21,
7 1973 is described in that document?

8 A. There are a number of incidents that are not
9 specified --

10 THE COURT: The question is whether that incident
11 was described.

12 THE WITNESS: No.

13 BY MR. WHITE:

14 Q. Mr. Pollock, you also testified earlier that you
15 now have documents which you have seen showing that a
16 conversation of yours was overheard in April of 1971; is that
17 correct?

18 A. That's correct.

19 Q. And you first became aware of this particular
20 overhearing or interception, as it is sometimes referred to,
21 earlier this year; is that correct?

22 A. That is correct.

23 Q. It's true, though, is it not, that the complaint
24 file in 1976 alleges electronic surveillance; isn't that
25 correct?

1 A. That is correct.

2 Q. So, you had available to you, did you not, facts at
3 that time which led you to believe that you had been the
4 subject of electronic surveillance?

5 A. In what year, sir?

6 Q. In 1976 when you filed the complaint?

7 A. Yes, sir.

8 Q. Now, isn't it true that -- I will ask you this
9 question: Do you now recall, even though there is five years
10 time, do you now recall the facts that you had in 1976 which
11 led you to believe that you had been the subject of an
12 electronic surveillance?

13 A. Some of the facts, yes, sir.

14 Q. Was one of these facts a conversation that you had
15 with an employee of the telephone company in 1971 who told
16 you about circumstances indicating that your phone was tapped?

17 A. Yes, sir.

18 Q. Was one of these facts the testimony of John Dean,
19 which you observed on television, relating a matter which you
20 believed that you had discussed earlier, or discussed
21 sometime earlier on the telephone; is that correct?

22 A. Yes, sir.

23 Q. The question is a little vague, but --

24 THE COURT: I'm not sure I understand the question.
25 Would you reform the question?

1 MR. WHITE: I think I will start over. I'm sorry
2 for confusing everyone on this.

3 BY MR. WHITE:

4 Q. Would you describe the testimony that you heard Mr.
5 Dean give which was one of the facts leading you to believe
6 that you were the subject of an electronic surveillance?

7 A. I will. It will take a few minutes, Your Honor.

8 THE COURT: Just answer the question. Remember
9 what it is. Describe the testimony of Mr. Dean.

10 THE WITNESS: Mr. Dean indicated in testimony
11 during the Watergate proceedings chaired by Senator Sam Irvin
12 that upon the occasion of the death of FBI Director J. Edgar
13 Hoover, that he had received a communique from the Justice
14 Department, the Attorney General, then John Mitchell, that
15 this communique had suggested that radicals of some sort or
16 other persons were going to place a Viet Cong flag over Mr.
17 Hoover's coffin while it lay in state in the Rotunda in the
18 Capitol Building. I believe the year was -- I don't recall
19 the year that that incident was -- or alleged incident took
20 place. As as a result he dispatched the special
21 investigative unit known as the plumbers to the --

22 THE COURT: Special investigative unit of what?

23 THE WITNESS: Of the White House, which we now know
24 as the plumbers unit that was involved in the Watergate
25 burglary, and that Mr. Frank Sturgis and I think G. Gordon

1 Liddy were sent there. And at one time during that same
2 period that John Dean reported in his testimony that he had
3 received this alleged information, I had a conversation with
4 someone over the telephone, and this individual raised this
5 issue in a joking fashion and I didn't find it very funny at
6 the time, suggested such an event of placing a Viet Cong flag
7 over the FBI director's coffin in the Rotunda. And putting
8 those two together, I inferred that it is possible that a
9 conversation that I had with this individual was picked up by
10 an electronic wiretap of the Federal Government transmitted
11 to the Attorney General, to John Dean, then the counselor at
12 the White House, and triggered a plumbers unit to be sent
13 there, which I considered rather extraordinary.

14 THE COURT: Well, we don't want your comment, we
15 want to know what you thought.

16 MS. BONN: I would ask to strike that last line.

17 THE COURT: Yes.

18 BY MR. WHITE:

19 Q. To sum this all up, you were observing Mr. Dean's
20 testimony -- you were watching television and Mr. Dean was
21 testifying before the Irvin Committee?

22 A. That's what it was known as, the Watergate is
23 another way that it was referred to.

24 Q. This was a committee that was investigating what we
25 now know was the Watergate matter; is that correct?

1 A. That is correct.

2 Q. And it is also correct, isn't it, that the
3 testimony -- well, just so we can make it absolutely clear,
4 Mr. Dean's testimony was, in effect, describing a
5 conversation which you had previously had on the telephone;
6 isn't that basically --

7 A. He was describing a conversation -- I'm not sure if
8 it was my conversation, but he was describing a conversation
9 that I had with someone else.

10 Q. Similar to a conversation that you had had?

11 A. That's correct.

12 Q. So that led you to believe that your conversation
13 may have been intercepted by electronic surveillance?

14 A. That is correct.

15 Q. Isn't it correct that Mr. Dean's testimony occurred
16 sometime during the period of June and early July of 1973?

17 A. I don't have before me the dates of Mr. Dean's
18 testimony.

19 Q. Is it your recollection that the Watergate
20 Committee, the Irvin committee, was holding hearings during
21 the late spring and summer of 1973?

22 A. Again, I just don't have that information. It
23 could have been '73 or '74, but I don't have that information
24 before me.

25 Q. Subsequent to the two events that you have just

1 described, the matter of the telephone employee and Mr. Dean's
2 testimony, did you, other than this civil action, other than
3 filing this civil action, make any inquiry to the Department
4 of Justice or to the FBI regarding the matter of whether you
5 had been the subject of electronic surveillance?

6 A. No, sir.

7 MR. WHITE: I have no further questions, Your Honor.

8 THE COURT: You may begin.

9 MS. BONN: I would like permission to approach the
10 bench.

11 THE COURT: Certainly.

12 AT THE BENCH:.

13 MS. BONN: I anticipate asking a question which I
14 may need a ruling from the Court before I ask it, but I
15 anticipate inquiring on whether Mr. Pollock has ever been
16 arrested before for civil disobedience, and I know that he
17 has, and as part of his injury --

18 MR. WHITE: He was arrested during one of the May
19 Day demonstrations, and subsequently he recovered damages
20 from the District upon finding that the arrest was illegal.

21 MS. PILSBURY: What is the relevance?

22 MS. BONN: He states as part of the damages
23 resulting -- part of the damages resulting from his -- his
24 claim is he can no longer associate with that so-called
25 violent demonstration in 1973 and when you went on to

1 Q. Mr. Pollock, good afternoon, I'm Laura Bonn, and I
2 represent the District of Columbia and all of the District of
3 Columbia defendants.

4 Mr. Pollock, directing your attention to 1969,
5 first, the fall of 1969, the National Moratorium Day, no
6 business as usual, is that the theme for that moratorium?

7 A. I would say that's accurate.

8 Q. And you were involved, I believe you have testified,
9 in organizing that moratorium, were you not?

10 A. Well, I was a small fish, but I did a little work.

11 Q. As a small fish you helped students get to the
12 demonstration, didn't you?

13 A. I didn't help them, I encouraged them to attend.

14 Q. Did you provide films and educational material
15 about the demonstration?

16 A. I didn't, but I encouraged people to go to meetings
17 where those films were then offered, yes.

18 Q. Did you pass out leaflets?

19 A. On occasion, yes, I did.

20 Q. Was the intent of that demonstration, "no business
21 as usual," to shut down the Federal Government?

22 A. Oh, no.

23 Q. What did "no business as usual" mean then?

24 A. It meant that people should break their regular
25 routine, whether it is at their place of work, whatever they

1 were doing that day, to think about a devastating war
2 overseas, and to express to their government their feelings
3 about that war.

4 Q. Did the "no business as usual" also involve people
5 blocking traffic?

6 A. In 1969?

7 Q. In 1969.

8 A. To the best of my knowledge, no.

9 Q. Did it involve any sit-ins in front of federal
10 buildings?

11 A. To the best of my knowledge, no.

12 Q. Did it involve any blocking of doorways at all in
13 front of federal buildings?

14 A. I don't recall any.

15 Q. Directing your attention to the summer of 1971, I
16 believe you testified you were involved with the United
17 States National Student Organization; is that correct?

18 A. Student Association, yes.

19 Q. Excuse me. What were your duties there; you were
20 employed there, were you not?

21 A. Yes, I was.

22 Q. What were you employed as?

23 A. Well, actually in that summer I was a volunteer.
24 In August, I became a full-time employee.

25 Q. What were your duties as a full-time employee?

1 Q. Mr. Pollock, I have just a few more questions. You
2 have just testified that it was your belief in 1973 that the
3 FBI would not respond candidly. Can I assume you mean
4 truthfully to any inquiry regarding their activities toward
5 you; is that correct?

6 A. That is correct.

7 Q. Now, was this belief formed because of
8 conversations that you had with attorneys?

9 A. No.

10 Q. You testified that you were a friend of Rene Davis';
11 isn't that correct?

12 A. That's correct.

13 Q. And you knew him. In fact, you shared an apartment
14 with him for an extended period of time; isn't that correct?

15 Q. A period of time.

16 Q. Several months, a couple of years?

17 A. About a year and a half.

18 Q. From November 1971 until sometime in 1973?

19 A. That is correct, when he left.

20 Q. Isn't it true that at that time Mr. Davis, as well
21 as others, was, in fact, suing several individuals in the
22 Department of Justice for alleged electronic surveillance?

23 A. I'm not aware of any legal actions that Rene Davis
24 or others associated with him took.

25 Q. You are not aware of such a suit?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., :
Plaintiff, :
v. : CA No. 76-1326
JERRY WILSON, et al., :
Defendant. : Vol. 3

Washington, D. C.

Monday, November 30, 1981

The above-entitled matter came on for trial before
the HONORABLE LOUIS F. OBERDORFER, United States District
Court Judge, in Courtroom No. 3.

APPEARANCES:

On Behalf of the Plaintiffs:

DANIEL M. SCHEMBER, ESQ.
J. E. McNEIL, ESQ.
ANNE PILSBURY, ESQ.

On Behalf of the Federal Defendants:

DAVID WHITE, ESQ.
DENNIS HOFFMAN, ESQ.

On Behalf of District of Columbia Defendants:

LAURA BONN, ESQ.
GEORGE BARCLAY, ESQ.

Official Reporter: Bruce W. Herzfeld

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Carol Cullum	13		39	
(By Mr. White)		29		
(By Ms. Bonn)		34		
Harry G. Ervin	41		105	
(By Mr. White)		86		112
Reginald H. Booker	113		185	
(By Mr. White)		148		189
(By Ms. Bonn)		176		
C. Edward Behre	191			
Victor Kaufman	201		232	
(By Mr. White)		221		

EXHIBITS

	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
Plaintiff's 20A	73	73
Plaintiff's 25		84
Plaintiff's 97		188
Fed. Defendants 50	151	

1 furnished the Plaintiffs A, with what you said you would,
2 and, B, with your memorandum?

3 MS. BONN: Yes, Your Honor, my memorandum
4 on the index.

5 THE COURT: Your memorandum is in the clear?

6 MS. BONN: Yes, Your Honor.

7 THE COURT: Well, I'll put this affidavit under
8 seal.

9 MS. BONN: Thank you, Your Honor.

10 THE COURT: Now, are there any other preliminary
11 matters before we bring back the jury?

12 MS. BONN: I have one, Your Honor. I
13 brought it up again -- I'd like to bring to the Court's
14 attention that I need to be excused this morning at
15 approximately I guess ten to eleven so that I can get upstairs
16 to Judge Smith's courtroom to have a status hearing.

17 THE COURT: Very well.

18 MS. BONN: Thank you.

19 THE COURT: Should we adjourn to go hear the
20 Fitzgerald argument?

21 MR. WHITE: Your Honor, during one of the
22 bench conferences last week there was some discussion
23 regarding whether we would this morning discuss the question
24 of what evidence Plaintiffs had to demonstrate that Steve
25 Wilcox was somehow connected to any of the Defendants.

1 Richard Pollock?

2 A. Yes, I did.

3 Q. In what context did you know him? How did you
4 know him?

5 A. I first met Rich when he was working with the
6 National Student Association, and he was a delegate or a
7 member of the PCPJ and doing antiwar work.

8 Q. Did you and he work together on any committees
9 or in any organizations?

10 A. Yes, quite often we worked together on a lot of
11 demonstrations in Washington.

12 THE COURT: Keep your voice up, please.

13 THE WITNESS: Oh, I'm sorry.

14 BY MS. PILSBURY:

15 Q. During this time, 1970 to 1973, did you meet a
16 woman by the name of Ann Kolego, spelled K-o-l-e-g-o?

17 A. Yes.

18 Q. Do you recall when you first met her?

19 A. Yes. When I was working at PCPJ on Vermont Avenue
20 I saw her briefly as a volunteer, but I didn't actually get
21 to know her until after the spring of '71 when she started
22 working or coming into our office to volunteer on a regular
23 basis.

24 Q. Now, when you say "our office", what are you
25 referring to?

1 A. Well, it was the Antiwar Union, which was a
2 lobbying group that was trying to pressure the administration
3 into setting the date for withdrawal of troops from Vietnam,
4 and it basically started up after May of 1971.

5 Q. Did that group have an office?

6 A. Yes.

7 Q. Do you remember where that office was located?

8 A. We basically had an office near Farragut Square,
9 and then moved to 18th Street, near 18th and Connecticut.

10 Q. What sort of work did Ann Kolego do at the office?

11 A. Ann did a variety of things. She had a car, which
12 very few of us did, and she was always volunteering to go
13 and take leaflets to different places. She helped run off
14 leaflets. She answered phones. She did lots of different
15 kinds of tasks.

16 Q. Did she ever make any suggestions or contributions
17 towards the planning of activities and demonstrations?

18 A. Yes.

19 Q. What sort of suggestions would she make?

20 A. Well, there were a couple of instances that I think
21 of. One, when we were planning for a candlelight march around
22 the White House, and that was going to be in the fall of
23 '71, and we were looking at the map, trying to figure out
24 exactly what it was going to look like, and we were talking
25 about different possibilities, one of which was what if the

1 White House put busses around the White House, which they
2 had done in the past. And she suggested at that time that
3 we could get a bunch of people and push the busses over and
4 climb the fence, which was not well received.

5 Q Did she make any other suggestions along that line?

6 A No.

7 Q Okay. Were you involved in a public demonstration
8 at the Capitol in the fall of 1971?

9 A Yes, on November 6th, the big demonstration at
10 the Capitol.

11 Q Do you recall if any particular group sponsored
12 that?

13 A It was a coalition of groups. I think the National
14 Peace Action Coalition as well as the People's Coalition
15 for Peace and Justice. Both of them were coalitions of lots
16 of groups, peace groups, church groups, women's groups,
17 et cetera.

18 Q Did you participate in the planning of that
19 demonstration?

20 A Yes, I did. What --

21 Q What was your job in connection with that
22 demonstration?

23 A One of my major jobs in terms of that on that day
24 was to work with the marshals in terms of making sure that
25 people stayed within the route that we had been assigned

1 by the police, to make sure that there was no violence. We
2 were basically trained in and I did training in knowing how
3 to deal with violent situations and how to get someone who
4 was being provocative away from the situation. So that was
5 my job.

6 Q Where in the -- first let me ask you, which side
7 of the Capitol was this demonstration located on?

8 A This side of the Capitol as opposed to -- well,
9 let's see --

10 Q The side nearest the --

11 A With the old -- where they're fixing the -- they
12 have all kinds of scaffolding up, I think, still.

13 Q The side nearest the Library of Congress?

14 A No.

15 Q The Stadium, the other side?

16 A That's the other side, right.

17 Q Toward the reflecting pool?

18 A Right.

19 Q Now, where were you located in the Capitol area?

20 A I was in the back of the demonstration which is --
21 if you go straight down from the Capitol, there's a --
22 towards the reflecting pool -- there's a circle with a
23 statute of some sort at it, in the middle of it, and I was
24 just to the right of that statute, standing back there.

25 Q Did anything occur during that demonstration that

1 was contrary to the plans of the demonstration?

2 A. Yes.

3 Q. What happened?

4 A. Well, it was just about when Julius Hobson was
5 speaking, there was -- there was some police in the back
6 that were throwing tear gas into the crowd, and then there
7 were some people, including Ann Kolego, who was one of them,
8 who were yelling at the police. And Ann had picked up one
9 of the tear gas cannisters and threw it back at the police
10 and was getting a lot of people in that area involved with
11 her. I mean basically getting them all riled up.

12 And what I did, because that was part of my job,
13 was to go over and tell her to lay off, and that's not the
14 kind of thing that we wanted to do, and that we were trying
15 to keep it legal and keep it peaceful. And to be fighting
16 with the police was not the way to do it. I mean, we had
17 several hundreds of thousands of people there, and we needed
18 to keep it safe for all of them.

19 Q. Did you hear her actually say anything to the
20 police?

21 A. She was yelling obscenities at them as she was
22 throwing the tear gas cannister.

23 Q. And when you spoke to her, did she stop?

24 A. Well, she argued a lot. I mean she had -- we had
25 a big argument about whether or not she should stop, and

1 I said she absolutely had to. And what I did was send her
2 on to do an errand in another part of the demonstration to
3 get her away from there.

4 Q Were there any other incidents of which you are
5 aware in which Ann Kolego urged confrontation with the
6 police?

7 A Yeah. There was another time. There were about,
8 oh, 15-20 people that were meeting in our office on 18th
9 Street -- it was 18th and Connecticut -- and our office was
10 on the top floor. It was the 8th floor. And I had come
11 down because I was going down to get coffee -- I'm not sure
12 what it was -- and outside in front of the building was a
13 car with two men in it, which I assumed to be an unmarked
14 police car because -- the reason I assumed that was that
15 all of a sudden I was hearing the voices of the people
16 who were up in that meeting coming out of the radio in the
17 car, and so I went upstairs to tell everybody so we could
18 figure out what to do. And Ann began to immediately try
19 and take it away, take the conversation away from us
20 internally figuring out what we should do, and was
21 encouraging us that we should go downstairs and basically
22 violently confront the people in the car who we assumed to
23 be police.

24 Q And how was that suggestion received?

25 A Well, it was not received well. I mean, what we

1 were trying to do was to basically figure out what we should
2 do in that room and not go -- I mean, we were not into going
3 down and setting up violent confrontations with the police.

4 Q Now, did there come a time when Ann Kolego became
5 your roommate?

6 A Yes.

7 Q Do you recall roughly when that was?

8 A It was at the end of '71, the beginning of '72,
9 probably around December or January.

10 Q And where were you living?

11 A Well, I had been living up on Calvert Street
12 toward the end of '72, and she had stayed with me a couple
13 of times. And I found an apartment down on S Street, down
14 near 17th and S. And she had come to me and -- with this
15 very sad story that her mother had kicked her out, had
16 pushed her down the steps. She had scars on her face.
17 She clearly had been in some bad fight of some sort, and
18 I believed her, relied on what she had said, that she was
19 indeed in trouble, and she really wanted to find a place
20 that was safer for her to live, and so she wanted to know
21 if she could live with me in my apartment on S Street, and
22 I said yes. And so she paid rent for about two months and
23 lived there for about two months, but she was in and out,
24 and I could never figure out when she was going to be there.
25 So it didn't work out.

1 A. Those are mine, sir.

2 Q. And what does the presence of your initials there
3 signify?

4 A. It would indicate that I prepared the memorandum.

5 Q. What was the purpose of your preparation of this
6 memorandum?

7 A. The memorandum was sent to headquarters.

8 Q. What was the purpose of your preparation of the
9 memorandum?

10 A. To inform Headquarters of information which came
11 to my attention.

12 Q. Directing your attention to the second page of
13 Plaintiffs' Exhibit 20-2, the first paragraph, the first
14 full paragraph, does that paragraph recommend an action
15 be taken under the counterintelligence program?

16 A. It does.

17 Q. Was the purpose of this memorandum to recommend
18 that an action be taken under the counterintelligence
19 program?

20 A. Yes, sir.

21 Q. During the course of your work on the racial squad
22 and during the course of your service as the counter-
23 intelligence coordinator, did you become familiar with the
24 normal procedure for processing of the normal paperwork
25 involved in the submission and obtaining approval for

1 counterintelligence program actions?

2 A. Yes, sir.

3 Q. What in general were the steps, the basic steps
4 involved in that procedure?

5 A. The agent would prepare a memorandum usually which
6 would go to the Bureau in the form of an AIRTELL. The
7 agent would usually prepare a memorandum which was sent to
8 the Bureau. In most instances it was called an AIRTELL,
9 as differentiated from a teletype.

10 The memorandum prepared would set forth some
11 action which in the opinion of the agent or supervisor
12 of the squad might be taken against an organization?

13 Q. And upon submission of the AIRTELL to Headquarters,
14 did you have occasion -- did you learn the steps that
15 followed?

16 A. Not really. I knew it had to be approved by the
17 Bureau. What steps were taken by the Bureau I do not know.

18 Q. And what followed obtaining a Bureau approval?

19 A. What followed after the Bureau had approved such
20 an action?

21 Q. Yes.

22 A. Usually it would be implemented.

23 Q. Was it a normal, routine practice of the Washington
24 Field Office to implement counterintelligence program
25 actions that the Washington Field Office had recommended

1 and that the Bureau had approved?

2 A. I can speak only for my own squad. Usually, yes.

3 Q. Mr. Ervin, calling your attention to the third
4 page in Exhibit 20, Exhibit 20-3, does the typewritten
5 portion of that page appear to you identical to the first
6 page, Plaintiffs' Exhibit 20-1?

7 MR. WHITE: Your Honor, we will stipulate that
8 20-3 is the carbon copy of 20-1.

9 BY MR. SCHEMBER:

10 Q. Mr. Ervin, does 20-3 appear to you to be a carbon
11 copy of 20-1?

12 A. It does.

13 Q. Referring to 20-3 and calling your attention to
14 the bottom of that page, are there any initials at the
15 bottom of the page that you recognize, handwritten initials?

16 A. Yes, there are.

17 Q. Which initials do you recognize and where are they
18 located on the document?

19 A. Under my initials there appears to be the initials
20 of the squad supervisor at that time, Robert Olmert.

21 THE COURT: Who?

22 THE WITNESS: Robert Olmert, O-l-m-e-r-t.

23 To the right --

24 BY MR. SCHEMBER:

25 Q. Excuse me, Mr. Ervin. Would you take this pen

1 and circle the initials of Robert Olmert and place the date,
2 the current date and your initials?

3 THE COURT: That's not the original? Is he
4 marking the original?

5 MR. SCHEMBER: Pardon me, Your Honor, that --

6 THE COURT: I don't want him to mark the original.
7 Let him mark the copy.

8 MR. SCHEMBER: Very well, Your Honor.

9 BY MR. SCHEMBER:

10 Q Mr. Ervin, do you recognize any other initials
11 on that document at the bottom?

12 THE COURT: You might show him the original and
13 let him put his marks on the copy.

14 MR. SCHEMBER: Your Honor, he has the copy which --

15 THE COURT: I know. But if you showed him the
16 original, he would be testifying about the original and
17 recording his observations on the copy.

18 Just stand over there with him.

19 THE WITNESS: Yes, I recognize the initials to
20 the immediate right of the case number file, C. J., being
21 those of Courtland Jones.

22 BY MR. SCHEMBER:

23 Q Would you circle on the copy the initials of
24 Courtland Jones and place the date by that, sir, and your
25 own initials. Do you recognize any other handwriting on

1 that document towards the bottom?

2 A. I recognize Olmert's handwriting, writing the name
3 of Wall, W-a-l-l, and I recognize Wall's initials.

4 Q. You're referring to Robert Wall?

5 A. That is correct, sir.

6 Q. Would you circle his name and initials and date
7 the document and place your signature -- your initials.

8 THE COURT: Is it your testimony that the word
9 "Wall" is written in Olmert's handwriting? Is that your
10 testimony?

11 THE WITNESS: Yes, sir.

12 BY MR. SCHEMBER:

13 Q. Mr. Ervin, referring to the initials that appear
14 next to the writing of Wall, do you recognize those
15 initials as being the initials of Robert Wall?

16 A. They are, sir.

17 THE COURT: Excuse me. Just for housekeeping
18 purposes, at the recess will you mark the copy that bears
19 the witness' notes as an additional subexhibit of Exhibit
20 20.

21 MR. SCHEMBER: Very well, Your Honor.

22 BY MR. SCHEMBER:

23 Q. Mr. Ervin, at the time that this document was
24 prepared -- and its date is September 24, 1969 -- what
25 position did Mr. Courtland Jones occupy?

1 A. He was the security coordinating supervisor.

2 Q. Was he a supervisor of yours?

3 A. Yes, in the sense that he was in charge of all
4 security programs in the Washington Field Office.

5 Q. Was he your immediate supervisor or was there a
6 supervisor between you and Mr. Jones?

7 A. There was a supervisor between us.

8 Q. And who was that?

9 A. That would have been at this point in time Mr.
10 Olmert.

11 Q. Mr. Ervin, based upon your knowledge of the
12 procedures in the Washington Field Office for initiation
13 of counterintelligence program actions, can you tell me
14 the significance of the initials of Mr. Olmert and the
15 initials of Mr. Jones on Plaintiffs' Exhibit 20-3?

16 A. In both instances it means that Mr. Jones, as
17 being the security coordinating supervisor, and Mr. Olmert,
18 as being the squad supervisor initialled this, indicating
19 they had read it.

20 Q. Do their initials indicate approval for trans-
21 mission of the document to FBI Headquarters?

22 A. The document would have been sent to FBI
23 Headquarters on approval of the SAC.

24 Q. And who was the SAC?

25 A. I'm not sure who was SAC at that time.

1 A. Tarnish the image of Julius Hobson and create
2 internal dissention within the ranks of the BUF.

3 Q. Mr. Ervin, calling your attention to the first
4 page of Plaintiffs' Exhibit 20, 20-1, the first and second
5 paragraphs of that document, do those paragraphs indicate
6 the existence of a dispute between the Black United Front
7 and the Mobilization Committee to End the War in Vietnam?

8 MR. WHITE: Your Honor, I would object to this
9 line of inquiry inasmuch as the document would speak for
10 itself as to its contents.

11 MR. SCHEMBER: Your Honor, I would have no
12 objection to Mr. Ervin reading the contents of this
13 exhibit in evidence.

14 THE COURT: I think the better way would be just
15 to ask him what the purpose was in his own words, and if
16 he doesn't remember, then you can refresh his recollection.

17 BY MR. SCHEMBER:

18 Q. Mr. Ervin, you testified as to the specific
19 purpose of this counterintelligence program action.
20 Was there a larger context in which that specific purpose
21 was sought to be furthered?

22 A. Can you explain what you mean by that?

23 Q. Do you recall the circumstances under which you
24 -- the circumstances existing between the Black United
25 Front and the Mobilization Committee forming the context

1 finish his answer. I do have an objection. I am going to
2 object to the relevancy of this inquiry inasmuch as Mr.
3 Hobson isn't --

4 THE COURT: The objection is overruled. Go ahead.

5 BY MR. SCHEMBER:

6 Q Mr. Ervin, I've just given you a copy of
7 Plaintiffs' Exhibit 21.

8 THE COURT: Do you want to give me one?

9 MR. SCHEMBER: This is Plaintiffs' Exhibit 21 in
10 evidence.

11 BY MR. SCHEMBER:

12 Q Do you recognize any of the pages of this document?

13 A I recognize my initials on Plaintiffs' Exhibit
14 21-1. Also on 21-2, 21-4.

15 Q Are you the author of 21-1, 21-2, and 21-4?

16 A Yes, I am.

17 Q Calling your attention to 21-4, is this the
18 news release that you proposed be transmitted by the Bureau
19 concerning -- in order to tarnish the image of Julius
20 Hobson?

21 A At this point in time I have no clear recollection
22 of this, but in reading it, it reads the way I would have
23 written it.

24 Q Mr. Ervin, do your handwritten initials appear
25 on 21-4?

1 and I'd like you to look at the entire exhibit, 21-1 through
2 21-8 -- which would indicate to you that Mr. Pangburn saw
3 any part of the document?

4 A. I see no such indications, sir.

5 Q. Now, still looking at Exhibit No. 21, to your
6 knowledge was the recommendation which it contains approved
7 by FBI Headquarters?

8 A. Not to my knowledge, no, sir.

9 Q. Looking at Exhibit 21-2 and Exhibit 21-4, would
10 you explain again for the Court and for the jury's benefit
11 what those two exhibits are?

12 A. They appear to be information prepared which would
13 serve as a news release if it were implemented.

14 Q. Did you ever see either one of these news releases
15 appear in any newspaper or other publications?

16 A. No, sir.

17 Q. Mr. Ervin, I'd like you now, please, to look at
18 Exhibit No. 23. You've testified, Mr. Ervin, that you recall
19 seeing the leaflet that's attached to the first page of
20 Exhibit 23. But looking at the first page, would you describe
21 to the Court and to the jury, please, what that document
22 is.

23 A. This is a memorandum prepared to the Director of
24 the FBI from the SAC in New York, entitled COINTELPRO New
25 Left, in which they enclosed copies of a suggested leaflet.

1 THE COURT: Bring back the jury.

2 (Before the jury.)

3 THE COURT: Good afternoon, ladies and gentlemen.

4 Call your next witness, please.

5 MS. PILSBURY: Our next witness will be Mr.

6 Reginald Booker.

7 Whereupon,

8 REGINALD BOOKER

9 was called as a witness for and on behalf of the Plaintiffs
10 and, after being first duly sworn, was examined and testified
11 as follows:

12 MS. PILSBURY: May I proceed, Your Honor?

13 THE COURT: Yes.

14 DIRECT EXAMINATION

15 BY MS. PILSBURY:

16 Q Mr. Booker, do you want to state your full name
17 and your current address for the record?

18 A My name is Reginald H. Booker. My address is
19 3800 14th Street, N.W., Washington, D. C.

20 Q And how long have you lived in Washington, D. C.?

21 A Approximately 35 years.

22 Q How old are you now?

23 A 40.

24 Q Are you a Plaintiff in this lawsuit?

25 A Yes, I am.

1 Q And are you currently employed?

2 A Yes, I am.

3 Q Where do you work?

4 A I am self-employed. I am a financial and business
5 consultant.

6 Q Now, directing your attention to the time period
7 1964 to 1973, were you involved in any community or
8 political activities at that time?

9 A Yes, I was. I was involved in a number of --

10 THE COURT: You answered the question.

11 THE WITNESS: Yes, I was.

12 BY MS. PILSBURY:

13 Q Could you just indicate what some of the major
14 activities you were involved in were?

15 A I was involved in fighting against the coming of the
16 freeway into the black community. As Chairman of the
17 Emergency Committee on the Transportation Crisis, I was
18 fighting against racial discrimination in the government.
19 I was Chairman of the Government Employees United
20 Against Racial Discrimination, which was a Washington Urban
21 League project, and I was a member of the Black United Front,
22 which is a coalition of black community organizations
23 sworn to fight discrimination in various areas in the local
24 area.

25 Q During this time period, 1964 to 1973, were you

1 employed?

2 A. Yes, I was.

3 Q. Could you just very briefly outline where you were
4 employed?

5 A. I was employed at the General Services Administration
6 Region II on 7th and D Streets, S.W. as a clerk. I was
7 employed at the Urban Law Institute of George Washington
8 University.

9 Q. Are you a veteran?

10 A. Yes, I am. I served two years honorably in the
11 United States Army.

12 Q. When were you discharged?

13 A. I was discharged in February 1967 honorably.

14 Q. Now, you referred to an organization in connection
15 with the freeways called ECTC. Could you describe what the
16 purpose of that organization was, what its goals were?

17 A. The purpose of ECTC, as it was commonly called,
18 was to coordinate those individuals and organizations in
19 the metropolitan Washington area who were opposed to the
20 coming of the freeway into the black community and the building
21 of the interstate highway network, as it would affect and
22 displace a number of residents, primarily poor and primarily
23 black in the inner city.

24 Q. When was ECTC created?

25 A. ECTC was created probably in 1966. I became

1 involved in 1967 and shortly thereafter I was elected
2 Chairman.

3 Q Now, could you just state again -- maybe you said
4 this -- what ECTC stands for?

5 A The Emergency Committee on the Transportation
6 Crisis.

7 Q Thank you. Now, what type of activities did you
8 engage in as a member and as Chairman of ECTC in reference
9 to the freeway issue?

10 A As the Chairman of the ECTC I testified before
11 the District of Columbia City Council. I testified before
12 a number of Congressional committees. I spoke before college,
13 social, civic and religious organizations about the freeway
14 in the District of Columbia.

15 Q During the time that you were active in ECTC, did
16 you know a man by the name of Harold Bynum?

17 A Yes, I did.

18 Q When did you first meet him?

19 A In February of 1968 the Emergency Committee on
20 Transportation Crisis held a demonstration in front of the
21 home of former Mayor Walter Washington to protest the building
22 of the freeway network. Mr. Bynum came to me and said, "I
23 want to work with you because I like your style and I've
24 seen you around. I've been watching your style." So --

25 Q Did you allow him to work with you?

1 A. Yes, because the manner in which he came to me
2 was just an honest manner, and he began to work with me.

3 Q. What sort of things did he do in ECTC?

4 A. Well, he told me that he was not employed because
5 when he was in the military --

6 THE COURT: The question was what did he do.

7 THE WITNESS: He transported me to different
8 meetings. He made himself available anytime and at all times
9 to take me to various meetings.

10 BY MS. PILSBURY:

11 Q. Would he attend the meetings as well?

12 A. Yes, he would.

13 Q. Did he ever travel with you out of town?

14 A. Yes, he did.

15 Q. Where did he go?

16 A. He went to Toledo, Ohio. I was invited to speak
17 before an organization. He went prior to my going by
18 driving. I flew to Toledo, Ohio.

19 Q. How long did he continue to work with you at
20 ECTC?

21 A. He worked with me until sometime in 1969.

22 Q. Now, did ECTC during your association with it
23 ever advocate or suggest confrontations with the police?

24 A. No. That was not a part of our program.

25 Q. Did it propose or endorse the destruction of

1 property?

2 A. No.

3 Q. Did it ever plan any public demonstrations or
4 rallies?

5 A. Yes, it did.

6 Q. On more than one occasion?

7 A. Yes.

8 Q. Was there a demonstration or rally in Georgetown?

9 A. Yes. The ECTC --

10 THE COURT: You answered the question.

11 THE WITNESS: We planned a demonstration in
12 Georgetown.

13 BY MS. PILSBURY

14 Q. Do you recall when that was?

15 A. It was approximately 1969.

16 Q. And what was the purpose of that demonstration?

17 A. The purpose of the demonstration was to show our
18 opposition to what was called the Three Sisters Bridge
19 which was part of the freeway network in the District of
20 Columbia.

21 Q. And could you describe where the Three Sisters
22 Bridge was proposed to be located?

23 A. If I can remember correctly, it was to come
24 adjacent to the water -- the water in Georgetown, which is
25 around 32nd and M Street, Wisconsin Avenue.

1 Q Where was the rally held?

2 A The rally was held on the grounds near that part
3 of the Potomac River near what's called Fletcher's Boat
4 House.

5 Q Were you involved in planning that demonstration?

6 A Yes, I was.

7 Q What were your plans for the demonstration? What
8 was supposed to happen?

9 A The plan for the demonstration was to have a
10 number of persons who represented the different organizations
11 speak at the rally in opposition to the building of the
12 Three Sisters Bridge.

13 Q Was Mr. Bynum involved in planning the demon-
14 stration?

15 A No, he was not.

16 Q Was he in the organization at that time?

17 A Yes, he was.

18 Q And did the demonstration go off as planned?

19 A Not exactly as planned out.

20 Q What happened?

21 A At some point during the demonstration trouble
22 broke out with the police.

23 Q What kind of trouble?

24 A There appeared to be some persons who had incited
25 some trouble in terms of confrontations with the police

1 which resulted in the police tear gassing members of the
2 crowd.

3 Q Did you see the people that appeared to be
4 inciting the police?

5 A Yes, I did.

6 Q Had you ever seen them at any ECTC rallies before?

7 A No, I had not.

8 Q Were they white people or black people?

9 A They were white and black.

10 Q Do you recall what, if anything, these individuals
11 said or did to incite the police?

12 A I think it was some of their provocative statements,
13 and I even think there was some rock throwing by those
14 persons in the crowd directed toward uniformed police
15 persons.

16 Q And were individuals arrested as a result?

17 A Yes, some of them were.

18 Q And was there tear gas used?

19 A Yes, the police officers did tear gas --

20 THE COURT: You answered the question.

21 BY MS. PILSBURY:

22 Q Now, you've indicated that you travelled out of
23 town. Was this on ECTC business?

24 A Yes, it was.

25 Q Did you go to any places out of the city other

1 than Toledo?

2 A. I went to Charleston, West Virginia, Chicago,
3 Illinois.

4 Q. When you went to any of these places did you --
5 was there ever any indication that the local police or
6 other law enforcement officials had prior knowledge of
7 your coming?

8 A. Yes, specifically when I went to Charleston,
9 West Virginia and Toledo, Ohio. When I went to Toledo
10 at the invitation of an existing organizations, the local
11 police chief called me at the house I was staying at with
12 a family and indicated to me that they had some problems
13 with me speaking in Toledo because I was supposed to speak
14 in the Elks' hall, and the police chief said he was concerned
15 that I not speak on the street. And --

16 Q. Had you planned to speak on the street?

17 A. No, because when I was invited to Toledo, it
18 was specifically mentioned that I would be speaking in the
19 Elks' hall.

20 Q. And did you speak in the Elks' hall?

21 A. I did, eventually.

22 Q. And did Mr. Bynum accompany you on that trip or
23 was he there when you were speaking?

24 A. He was there when I was speaking because he drove
25 there prior to my actually coming to Toledo. I flew into

1 Toledo.

2 Q Okay. Now, could you also describe what happened
3 when you went to Charleston, South Carolina? I'm sorry --

4 A Charleston,, West Virginia.

5 I went to Charleston, West Virginia to speak
6 to a local group concerning the building of a freeway in
7 Charleston. Part of -- when I went to Charleston,
8 I was staying with an elderly family. My first day at
9 their house, they informed me that they were a bit
10 frightened because the FBI agents had been to their house
11 asking questions about me, and they asked me to respectfully
12 leave and not stay in their house.

13 Q Did you leave?

14 A Yes.

15 Q Did there come a time when you learned that Mr.
16 Bynum was working for the Metropolitan Police Department?

17 A Yes, I did.

18 Q Can you recall approximately when that was?

19 A It was on two occasions, approximately 1969 and
20 once in 1970. In 1969 a female pointed to Mr. Bynum and
21 asked me, "What are you doing with that policeman?" He
22 was in civilian clothes, so I really -- I was kind of
23 puzzled because I didn't know he was a policeman.

24 Q Were you sure at that time whether or not he was
25 a policeman?

1 A. It was sometime in 1970 that I was informed that
2 he was seen in the Courthouse with his police uniform on.

3 Q. Now, you also referred to your activities during
4 this time as involving a group called the Black United Front?

5 A. Yes.

6 Q. Could you describe what the purpose of that
7 organization was and how it came into existence?

8 A. The purpose of the Black United Front was to unite
9 black individuals and organizations in the metropolitan
10 Washington area who were concerned about the effects of
11 racial discrimination in various areas of the community.

12 Q. And who was involved in organizing it?

13 A. Sterling Tucker, Marion Barry, Charles Cassells,
14 Calvin Roloff and a number of other leaders in the black
15 community.

16 Q. Were you among the organizers?

17 A. Yes, I was.

18 Q. Do you recall when the Black United Front was
19 organized?

20 A. Sometime during the latter part of 1967.

21 Q. And after it was organized in 1967, did it hold
22 meetings on a regular basis?

23 A. The Black United Front held regular meetings in
24 churches in various parts of the community.

25 Q. About how often would it meet?

1 A. Once every other week.

2 Q. Were these meetings public?

3 A. Yes, they were.

4 Q. Were there other meetings of committees or smaller
5 groups of the Black United Front which met in addition to
6 the public meetings?

7 A. The executive committee met, but any person could
8 attend the meetings.

9 Q. Were you on the executive committee?

10 A. Yes, I was.

11 Q. About how often would the executive committee
12 meet?

13 A. Usually once a week or whenever it was necessary.

14 Q. Did the Black United Front advocate violence?

15 A. No, that was not the goal of the Black United
16 Front.

17 Q. Did it have a gun club?

18 A. There was a gun club affiliated with the Black
19 United Front, which was an NRA, National Rifle Association
20 affiliated gun club called the Pioneer Gun Club.

21 Q. Were you a member of the gun club?

22 A. No, I was not.

23 Q. Now, directing your attention to 1969, do you
24 recall any discussions within the Black United Front about
25 a proposal that some of the peace groups pay a tax to the

1 Black United Front?

2 A. Yes, I do. In the Black --

3 Q. Let me just stop you there. What do you recall
4 the nature of the discussion to have been?

5 A. Well, first of all, in the Black United Front,
6 as it related to the peace movement, which was largely
7 at that time identified as being predominantly white, the
8 Black United Front did not want to participate within the
9 peace movement with that group but at the same time we took
10 a position that if the peace movement was coming to
11 Washington, that once they left after the demonstrations .
12 and so forth, the Black United Front and the black
13 community was left to contend with the problems that still
14 existed in the black community such as unemployment and
15 police brutality, and so forth, even though the Black United
16 Front was clearly opposed to the war in Vietnam and had
17 sent representatives to all of the peace organizations'
18 meetings.

19 Q. Was the idea to -- do you recall the idea being
20 proposed to suggest a head tax on the demonstrators?

21 A. There was a lot of discussion about proposing
22 what was called a head tax.

23 Q. Okay. Was this idea ever voted upon or endorsed
24 by the Black United Front as an organization?

25 A. To the best of my memory, it was not officially

1 voted upon by the body.

2 Q But it was discussed?

3 A Yes, it was.

4 Q Did people agree on the merits of the idea?

5 A Some people agreed on the merits and some people
6 did not agree on the merits.

7 Q Do you recall whether or not you ever received
8 any written communications back from the peace organizations
9 in response to your discussions with them about this idea?

10 A I received a flyer in the mail which had a
11 picture of a monkey with a banana in his hand. The --

12 MR. WHITE: Your Honor, --

13 THE COURT: Just a moment.

14 MS. PILSBURY: Excuse me.

15 MR. WHITE: Could we approach the bench?

16 THE COURT: Yes.

17 (At the bench.)

18 MR. WHITE: He is now describing the leaflet
19 which has been a concern. We continue our objection to
20 publishing that until it's connected to a Defendant --

21 THE COURT: I'm sorry, if he has a memory of it,
22 I can't keep him from testifying.

23 (Before the jury.)

24 BY MS. PILSBURY:

25 Q Please go ahead.

1 (The record was read by the Reporter.)

2 THE WITNESS: Yes, I did. I received
3 personally in the mail a flyer or leaflet with a picture
4 of a monkey with a banana in his hand, and at the bottom
5 it had something, that the monkey was supposed to depict
6 blacks.

7 BY MS. PILSBURY:

8 Q I'm going to show you a document marked as
9 Plaintiffs' Exhibit 23, Mr. Booker, and ask you to look at
10 the second page of that, and ask you if that's a copy of
11 the leaflet you received in the mail.

12 A Yes, it is.

13 Q Do you recall approximately when you received this
14 leaflet?

15 A Approximately sometime during 1968 or '69.

16 Q And do you recall if it was around the time of
17 the major demonstrations?

18 A Yes, it was.

19 Q Now, did the Black United Front after the time
20 you received this leaflet ever actively participate as a
21 group in any of the national antiwar activities in Washington,
22 D. C.?

23 A Yes, it did. The Black United Front participated
24 in a number of efforts against the war in Vietnam with other
25 organizations.

1 Q Were you ever interviewed during the time period
2 we've been speaking of, roughly 1964 to 1973, by FBI agents?

3 A On a number of occasions I was interviewed by
4 FBI agents.

5 Q Would they identify themselves as such?

6 A Yes, because I insisted that they identify
7 themselves.

8 Q Could you just describe as best as you can
9 remember what would happen in these interviews?

10 A Approximately 1969 when I was living in Parklands,
11 1921 Savannah Street, S.E., one morning I heard a banging
12 and a kicking at my door. And I opened the door because
13 the chain was on the dor, and two men said they were from
14 the FBI, and I asked them to identify themselves, and they
15 stuck their identification through the door, so I let them
16 in. And they said, "Mr. Booker, we have information that
17 you're in a plot to assassinate the President and one of
18 the Apollo 11 astronauts." And one of the agents said, "I
19 want to know from you how you feel about shooting the
20 President." So I looked at him and I told him that I have
21 no questions to answer, and to refer questions to my attorney.
22 So then he says, "since you can't answer no questions, he
23 had a folder, and he pulled out some pictures and asked me
24 if I knew these individuals. He had a picture of Julius
25 Hobson and Charles Cassells. He said, "Do you know anything

1 about these persons?" And after I repeated my statement
2 to them, I asked them to leave, and they left.

3 Q How did this interview make you feel?

4 A Well, at the time it happened, it sort of made
5 me feel apprehensive about what I was doing.

6 Q Were there other occasions when you had inter-
7 views with the FBI?

8 A Yes. Approximately 1972 I was crossing the
9 intersection at 12th and Pennsylvania Avenue going into the
10 American Security and Trust Company, and two men came up
11 behind me and said, "How are you doing, Mr. Booker? My
12 name is special agent Pangburn, and this is FBI agent Wall."
13 So all agent Pangburn said to agent Wall, he said, "You
14 don't know Mr. Booker, do you?" He said, "Mr. Booker is
15 one of the people causing us a lot of trouble." So when
16 I went into the bank, they went into the bank with me and
17 they began to talk in a loud manner, and he repeated his
18 statement, "Oh, you know Mr. Booker." Then he went on to
19 say, "I don't see you around any of the old places any
20 more." Then he said, "Well, I represent the government,
21 and you represent the man in the street." I said, "Maybe
22 there's a way you and I can work together." So he gave me
23 his card and said, "If you think you want to work with us,
24 just give us a call sometime."

25 Q Now, how did that interview make you feel?

1 A. Well, I felt a bit apprehensive about what they
2 were proposing.

3 Q. Did you ever indicate to them that you'd be
4 willing to work with them?

5 A. At no time under any circumstances have I ever
6 indicated to the FBI that I would work with them under
7 any circumstances.

8 Q. Going back to your earlier interview that you
9 referred to, had you ever said anything, even in jest,
10 to suggest that you were involved in a plot to assassinate
11 the President or one of the Apollo 11 astronauts?

12 A. Under no circumstances did I ever make any such
13 statements.

14 Q. Do you have any idea where the FBI might have
15 gotten that impression?

16 A. No.

17 Q. Do you know whether or not they interviewed any
18 of your neighbors?

19 A. Yes. The neighborhood in which I grew up and
20 which my mother still lives in and is a homeowner, 459
21 Ray Place, N.W., the FBI went to just about every family
22 on the block and asked them questions about my civil rights
23 activities and personal background.

24 Q. Did they interview any of your family members?

25 A. The FBI interviewed my mother. My mother became

1 apprehensive because, you know, like it frightened her
2 when they came to her.

3 Q Did they ever interview your wife?

4 A I have strong suspicions to believe that they did
5 interview my wife. My wife was a former school teacher in
6 Prince George's County. The FBI went to the principal of
7 her school. Without my wife's knowledge the FBI went into
8 my wife's classroom and took photographs of her classroom
9 because she had some black posters in her classroom. My
10 wife taught at Bladensburg -- formerly taught at Bladensburg
11 High School. I think she's still teaching there.

12 Q Are you and your wife -- the wife you're speak
13 of -- still married?

14 A No.

15 Q Do you know whether or not the FBI interview
16 your employers?

17 A When I was -- each time I was employed --

18 THE COURT: Mr. Booker, you've got to answer these
19 questions --

20 THE WITNESS: Yes.

21 BY MS. PILSBURY:

22 Q Did they interview your employer at GSA?

23 A Yes. The FBI did interview them.

24 Q Did your employer at GSA speak to you about it
25 afterwards?

1 A. Yes. The chief of my division called me into his
2 office one day.

3 Q. What did he say?

4 A. He said, "Mr. Booker, you know the FBI has been
5 here several times discussing you and it appears that
6 you're not interested in working for the government, so
7 we're going to allow you to take time off without charging
8 you leave to look for another job."

9 Q. What was your response to that?

10 A. My response was I was happy to be employed at
11 GSA at the time I was working there.

12 Q. During this period that you're speaking of --
13 strike that. --

14 Are you still a member of the Black United Front?

15 A. Yes, I am.

16 Q. Is it still an active organizations?

17 A. Yes, it is, somewhat.

18 Q. Do you have any knowledge of whether or not other
19 members of the Black United Front were interviewed?

20 A. Yes, I do.

21 Q. How do you know that?

22 A. Because one agent in particular, special agent
23 Pangburn, has been to a number of meetings, informed the
24 members of the Black United Front --

25 MR. WHITE: Your Honor, I object to the question

1 A. No, I did not.

2 Q. Did you know whether or not there were any FBI
3 or Police Department informants at Black United Front
4 meetings?

5 A. Somewhat I did.

6 Q. What do you mean by somewhat?

7 A. At a particular meeting of the Black United Front
8 we had a discussion on FBI informers being in the Black
9 United Front.

10 Q. Did you know for sure?

11 A. Not for sure.

12 Q. Did you have any knowledge prior to the time that
13 you filed this lawsuit of the purpose of the FBI's
14 surveillance of you?

15 A. No, I did not.

16 Q. Did you learn anything in reviewing your file
17 about the number of FBI informants that attended Black
18 United Front meetings?

19 A. Yes, I did after I reviewed --

20 Q. What did you learn?

21 A. After I reviewed the FBI files I learned that
22 there was more than one informer for the FBI writing on a
23 particular meeting. Sometimes I read two or three accounts
24 of the same meeting written by different informants.

25 Q. Can you recall the date of a meeting on which that

1 occurred?

2 A. Sometime during 1969.

3 Q. Can you recall the exact date?

4 A. I can't recall the exact date.

5 Q. Okay, I'm going to show you some documents marked
6 as Plaintiffs' Exhibit 97, and these are dated for purposes
7 of identifying them, January '69 and July '68.

8 Mr. Booker, I show you a document marked for
9 identification as Plaintiffs' Exhibit 97-12 -- I'm sorry,
10 97-21 through 26. Could you just look at those documents
11 and see if that refreshes your memory as to the date of
12 the meeting that you were speaking of?

13 THE COURT: Just answer that yes or no. Does it
14 refresh your recollection?

15 THE WITNESS: Somewhat it does.

16 BY MS. PILSBURY:

17 Q. And what is your recollection now that it has been
18 refreshed by the documents as to the date of the meeting?

19 A. The document that I'm looking at is Exhibit
20 97-21, which was a meeting held December the 20th, 1968
21 at New Bethel Baptist Church. There was a discussion --

22 THE COURT: That's all.

23 BY MS. PILSBURY:

24 Q. Just the date. I just wanted the date.

25 Now, do the documents or do you have any

1 Q Did the Black United Front ever discuss the problems
2 of crime in the District?

3 A Yes.

4 Q What was the nature of their concern?

5 A We had a great concern in the Black United Front
6 about narcotics within the black community and the drug
7 traffic, and we held several meetings within our community
8 about the drug traffic in the black community.

9 Q Was there ever any reaction to those meetings
10 that you received from persons outside of the Black United
11 Front?

12 A We had our first meeting --

13 Q Just answer --

14 THE COURT: Listen to the question, Mr. Booker,
15 please.

16 BY MS. PILSBURY:

17 Q Was there ever any response that you received
18 from persons outside of the Black United Front in reference
19 to the front's interest in the drug problem?

20 A Yes, it was.

21 Q Okay. What was that response?

22 A The response was a letter directed to our homes
23 of the persons on the committee threatening to kill us
24 if we pursued these hearings on drug trafficking
25 in the black community.

1 Q And who were these letters signed by or
2 from?

3 A The letters were not -- the letters were signed
4 by something like the people who were dealing in drugs.

5 Q You mean it didn't have a person's name?

6 A No, there were no individual names attached to
7 the letters.

8 Q Were the letters --

9 MR. WHITE: Your Honor, I have an objection
10 as to the relevancy of this inquiry.

11 THE COURT: Come to the bench, please.

12 (At the bench.)

13 MS. PILSBURY: Do you want me to make a proffer?

14 THE COURT: Yes.

15 MS. PILSBURY: He will testify that the letters
16 were typed, and he didn't testify that they were right
17 after this meeting --

18 THE COURT: What?

19 MS. PILSBURY: They followed after a meeting
20 that they had a number of informants at, and we will show
21 from other documents that the FBI had as its purpose to
22 intimidate and deter people from the Black United Front
23 from getting active any way they could. I think the jury
24 could infer that drug dealers don't usually attend Black
25 United Front meetings and turn around and send out typewritten

1 letters to people.

2 MR. WHITE: They have no document showing that
3 those documents have a connection with the FBI.

4 THE COURT: You can testify that they didn't.

5 MR. WHITE: They are creating an inference
6 without making an inquiry from the FBI whether there was
7 any connection between these letters and the counter-
8 intelligence programs. I think they are building the
9 inference on thin air, frankly.

10 THE COURT: Is this the end of this testimony?

11 MS. PILSBURY: Almost.

12 MS. BONN: I want to address that objection, also.
13 Unless there is any more evidence that Mr. Booker can
14 testify with respect to those letters, it's mere speculation
15 as to where they came from.

16 THE COURT: Really? You don't think he has
17 created an inference here by all the other things?

18 MS. BONN: I think the letters are so speculative.

19 THE COURT: Let me see the document.

20 MS. PILSBURY: I don't have the document. He
21 didn't keep the letter.

22 THE COURT: His testimony is that a number of
23 people received it?

24 MS. PILSBURY: Yes.

25 THE COURT: The objection is overruled.

1 (Before the jury.)

2 BY MS. PILSBURY:

3 Q Mr. Booker, was the letter that you received
4 handwritten or typed?

5 A It was typed.

6 Q And where was it sent to you?

7 A It was sent to my personal residence.

8 Q And do you know whether other people in the
9 Black United Front received similar letters?

10 A Yes, they did.

11 Q Do you know whether they were identical?

12 A Basically, yes.

13 Q Did you compare them at the time?

14 A Yes, we did.

15 Q In reviewing your FBI file were you ever able to
16 determine whether or not you had been overheard, your
17 phone conversations had been overheard on electronic
18 surveillance?

19 A Yes.

20 Q Do you recall the date that your conversations
21 were overheard?

22 A November 1970.

23 Q And do you recall who you were speaking to?

24 A I was talking with Gwen Moore.

25 Q Do you recall what you were talking about?

823A

1 A. It was with reference to a community program at
2 Howard University.

3 Q And also in reference to your FBI file did you
4 learn from reviewing it whether or not you were listed on
5 an index called the agitator index?

6 A. Yes.

7 MR. WHITE: I object to the question as leading.

8 THE COURT: Your objection is overruled.

9 BY MS. PILSBURY:

10 Q And were you listed on any other indexes?

11 A. I was listed on what they called the rabble
12 rouser index.

13 Q Do you know what those indexes are about?

14 A. No, I do not.

15 MS. PILSBURY: I have no further questions, Your
16 Honor.

17 THE COURT: You may inquire, Mr. White.

18 CROSS EXAMINATION

19 BY MR. WHITE:

20 Q Mr. Booker, my name is David White, and I
21 represent the five FBI agents in this civil action, and I
22 have a few questions I would like to ask you.

23 You testified that you were approached on an
24 occasion in 1972 by special agent Pangburn, is that correct?

25 A. That's correct.

1 Q Would you -- and who was the other agent, to your
2 recollection, that was involved in that conversation?

3 A The conversation was agent Wall.

4 Q Are you certain about the date of the year of
5 this conversation, Mr. Booker?

6 A As much as I can recall that I've stated.

7 Q Is there anything about the conversation or about
8 what has happened to you later or about what you've seen
9 in your files which makes it so firm in your memory that
10 that occurred in 1972?

11 A It was the nature of the conversation that
12 occurred between myself and the two agents.

13 Q Would you describe that conversation again
14 please?

15 A Which occasion are you talking about? When I
16 crossed 12th and Pennsylvania Avenue or when they approached
17 me at my house at 1921 Savannah Street?

18 Q Which one occurred in 1972, Mr. Booker?

19 A When I crossed the intersection at 12th
20 and Pennsylvania Avenue, N.W. going into American Security
21 Bank.

22 Q Would you describe that conversation again for
23 me please, Mr. Booker?

24 A When I crossed the intersection, two men came up
25 behind me and said, "Hello, Mr. Booker." I spoke. They

1 said, "You don't know us, but we know you." And one of
2 them said, "My name is special agent Pangburn, and this
3 is another agent, Wall." So we proceeded across the
4 intersection into the bank because I was going in to
5 conduct some business at the bank. And he repeated what
6 he had said in the street. And he added, "Well, you know
7 you represent the man in the street and we represent the
8 government." He says, "By the way, what are you doing now?
9 You're not working now, are you?" So he said, "Perhaps
10 you want to work with us." And he said -- he held out his
11 card. He said, "If you want to talk about it, just give me a
12 call."

13 Q Was this Mr. Pangburn who held out the card?

14 A Mr. Pangburn.

15 Q Did both agents at that point exhibit their --
16 at some point exhibit their credentials to you?

17 A Only agent Pangburn did.

18 Q Then you know agent Wall's name only by the
19 reference from Agent Pangburn?

20 A That's correct.

21 Q Now, is this agent Pangburn the same agent,
22 Gerald W. Pangburn, who is a Defendant in this case?

23 A I would assume he is.

24 MR. WHITE: Your Honor, I have a document which
25 is drawn from Exhibit 97, but I'd like to mark it separately

1 as a Defendant's Exhibit.

2 THE COURT: All right. Do you have a number?

3 MR. WHITE: We're marking the document as
4 Federal Defendants' Exhibit No. 50, Your Honor.

5 THE CLERK: Federal Defendants' Exhibit No. 50
6 marked for identification.

7 (Federal Defendants Exhibit 50
8 was marked for identification.)

9 MR. WHITE: May I approach the witness, Your Honor?

10 THE COURT: Yes, indeed.

11 BY MR. WHITE:

12 Q Mr. Booker, I'm showing you what has been marked
13 as Exhibit No.--50. Have you seen this document before?

14 A Yes, I have.

15 Q Where have you seen it?

16 A In my FBI files.

17 Q Does that document describe the conversation that
18 you have been describing to us now?

19 A It only describes a part of it.

20 Q Is special agent Wall's name mentioned in that
21 document?

22 A Not, it is not.

23 Q What are the names of the agents that appear on
24 that document?

25 A Special Agent Pangburn and Aldhizer.

1 Q Is the name -- you have not previously mentioned
2 the name of Aldhizer. Is that name familiar to you at all?

3 A Yes, it is.

4 Q And how is it familiar to you?

5 A Mr. Aldhizer has been to other persons in
6 addition to myself in the Black United Front and in the
7 community at large.

8 Q Have you -- has Mr. Aldhizer spoken to you?

9 A Yes, he has.

10 Q And was that one of the two occasions in which
11 you testified now about being approached by FBI agents?

12 A Yes, it was.

13 Q Which one was it?

14 A It was the occasion as this document indicates
15 at the intersection of 12th and Pennsylvania Avenue, N.W.

16 Q Was that the first time that you had occasion to
17 meet Mr. Aldhizer?

18 A Mr. Aldhizer may have been one of the agents in
19 addition to Mr. Pangburn who came to my residence on
20 Savannah Street, S.E.

21 Q Is it your testimony that Mr. Pangburn was one
22 of the agents that was at your residence in 1969?

23 A When I asked him to produce identification, one
24 of the two agents held out identification that had the name
25 of Pangburn on it.

1 Q That was in 1969?

2 A Yes.

3 Q Did the other agent identify himself?

4 A No, he did not.

5 Q It's your testimony that agent Aldhizer did not
6 identify himself at the 1972 interview?

7 A When I said identify, he did not pull out of his
8 pocket any identification. And I just assumed they were both
9 FBI agents.

10 Q Well, who led you to believe that his name was
11 Wall?

12 A I led myself to believe that.

13 Q Based on what?

14 A Based on my -- on some public knowledge of the
15 activities of the FBI.

16 Q And what was the source of your public knowledge
17 of the FBI?

18 A Publications.

19 Q Those publications led you to believe that
20 one of these agents had the name of Wall?

21 A It led me to believe that agent Wall, as it was
22 pointed out in the Washington Post in an interview that he
23 gave some years ago that he worked at what was called the
24 Black Desk of the FBI.

25 Q When were those articles published, Mr. Booker?

1 A. I don't remember exactly. Sometime during the
2 latter part of the sixties and early 1970's.

3 Q. You saw an article in the Washington Post?

4 A. Specifically given by agent Wall on his
5 activities with the FBI.

6 Q. So Mr. Wall published an article regarding his
7 activities, and you assumed, therefore, that about that
8 time an agent approaching you was agent Wall?

9 A. No, I didn't assume it was agent Wall. I said
10 I assumed that because of his activities he could have
11 possibly been involved because he publicly stated that he'd
12 participated in activities like that.

13 Q. Did you read the article written by Mr. Wall?

14 A. Yes, I did.

15 Q. Did that article make any reference, to your
16 recollection, to the matter of the Black United Front's
17 demand for money from the National Mobilization
18 Committee?

19 A. Not that I can remember. There wasn't a demand
20 for money. There was a head tax. We never saw it as a demand
21 for money within the Black United Front .

22 THE COURT: Well, that isn't the question, Mr.
23 Booker.

24 BY MR. WHITE:

25 Q. To your recollection, was that matter -- to your

1 recollection was that matter discussed in Agent Wall's
2 article?

3 A. I don't remember if that particular item was
4 discussed.

5 Q. And yet you recall agent Wall as having had some
6 responsibility with regard to investigations of blacks or
7 black organizations?

8 A. Yes, I do, because agent Wall stated that himself
9 in the interview in the Washington Post. In fact, the
10 interview was in the magazine section.

11 Q. Going back to the conversation in 1972, would you
12 state again the intersection at which that occurred?

13 A. I was crossing the intersection, coming from in
14 front of the Old Post Office Building, going into the
15 American Security and Trust Company, which is presently
16 located in that same site.

17 Q. Do you know what organization was housed in the
18 Old Post Office Building at that time?

19 A. Yes, I do.

20 Q. What was it?

21 A. The Field Office for the Washington area.

22 Q. The Field office for the Washington FBI, is that
23 correct -- the Washington Field Office for the FBI?

24 A. That's correct.

25 Q. So there would have been a lot of agents

1 presumably who would be on that intersection at any given
2 time? It would not have been unusual for an FBI agent to
3 be on that intersection?

4 THE COURT: Is that a question?

5 BY MR. WHITE:

6 Q Isn't that correct?

7 A That's not necessarily correct. It would not
8 have been unusual for the FBI to approach people --

9 THE COURT: You have answered the question.

10 BY MR. WHITE:

11 Q Now, regarding special agent Aldhizer, was there
12 any other occasion at which you met him and he identified
13 himself to you?

14 A I have met other agents at other occasions. I
15 don't know if they were Aldhizer.

16 Q Do you recall meeting special agent Aldhizer on
17 any other occasion?

18 A I don't recall meeting him, but I met other
19 agents.

20 THE COURT: That is all he asked you about was
21 him.

22 BY MR. WHITE:

23 Q How long did the conversation last, Mr. Booker,
24 the one in 1972?

25 A At the intersection?

1 Q Yes.

2 A In the intersection the conversation lasted about
3 five minutes.

4 Q Were you standing on the corner or in the middle
5 of the street?

6 A We were standing in the middle of the intersection
7 at the light.

8 Q And where were you when the conversation ended?

9 A We were inside of American Security and Trust
10 Company Bank.

11 Q So the two of them went into the bank with you,
12 is that correct?

13 A That's correct.

14 Q Now, going back to the matter of the Black United
15 Front, would you describe for the court and the jury, please,
16 the nature of the demand that the Black United Front was
17 making in the summer of 1969 regarding the demonstrations
18 being planned for November?

19 A The Black United Front, as an organization,
20 didn't make a demand because there was no official
21 position taken by vote. There were some individuals within
22 the Black United Front who advocated for posing a head tax
23 on the peace movement persons coming into Washington.

24 Q Do you recall the names of the persons who were
25 in favor of that proposal?

1 A. No, because it was a lot of people --

2 THE COURT: If you don't recall, that is all you
3 need answer.

4 THE WITNESS: No.

5 BY MR. WHITE:

6 Q. What was your position on that proposal, Mr.
7 Booker?

8 A. My position was in agreement with those who were
9 asking for a head tax.

10 Q. Was the Black United Front making any other demands
11 or proposals for money at the same time that it was asking
12 for this head tax from the National Mobilization Committee?

13 A. Not that I can remember.

14 Q. You do not recall whether the Black United Front
15 was making demands for money from various churches around
16 town?

17 A. It wasn't a demand. It was asking for what's
18 called reparations for a past history of discrimination by
19 churches against the black community.

20 Q. The Black United Front was asking for reparations,
21 that is, money from various churches in the Washington area
22 at the same time, is that correct?

23 A. Yes.

24 Q. And were these proposals for reparations as you
25 call them -- were these proposals voted on by the

1 A. That's correct.

2 Q. And you were Chairman of an organization -- I
3 think it was Government Employees Against Racial
4 Discrimination or something like that?

5 A. Government Employees United Against Racial
6 Discrimination.

7 Q. And that went by the short name of GUARD?

8 A. That's correct.

9 Q. And were you affiliated with any other
10 organization at that time?

11 A. I was also Chairperson of the ECTC or the
12 Emergency Committee on the Transportation Crisis.

13 Q. I think we just mentioned that.

14 Mr. Booker, were you the founder of any other
15 organization in 1966, '67 or '68?

16 A. Yes, I was.

17 Q. And was the name of that organizations?

18 A. Niggers, Incorporated.

19 Q. And how many members did you have?

20 A. Oh, we had any number of members from time to time.

21 Q. What was the maximum number of members you had?

22 A. It could have been 10, 15.

23 Q. Mr. Booker, do you recall coming to the Department
24 of Justice in 1978, November of 1978 for purposes of a
25 deposition in this action?

1 Crisis as a symbolic gesture, to show that the homes should
2 be returned to those black families that they were taken
3 from, had a demonstration at the corner of 10th and
4 Franklin Streets, N.E., where the -- Lawrence Street, N.E.,
5 to protect the boarding up of homes, and after we took off
6 the boards off of the boarded up homes and went indoors,
7 we were directed to leave the premises. Upon leaving the
8 premises, the officer said, "That's the nigger we want,
9 Booker," and several officers jumped on me in the house,
10 and I was subsequently arrested.

11 Q What do you mean by "jumped on" you, Mr. Booker?

12 A While I was making sure that the women and children
13 who had went in the house were coming out of the house
14 safely, for no apparent reason all of a sudden several
15 officers just jumped on me, and one of their officers
16 grabbed me around the neck and a couple of them had me by
17 the hands, and one of them said, "That's the nigger we
18 want, right there, Mr. Booker."

19 Q Do you know the names of any of those police
20 officers?

21 A Yes, I do remember one.

22 Q Were you warned ahead of time that -- or were you
23 told ahead of time that the police would be present at this
24 demonstration or gathering?

25 A Yes, I was.

1 Q And did you have any expectations as to whether
2 or not you'd be arrested if you entered the house?

3 A No, I did not.

4 Q You believed that if you entered the house -- you
5 did not know at the time that you entered the house that
6 you were -- that you might be subjecting yourself to a
7 possible arrest?

8 A That's correct.

9 Q This house was boarded up, was it not?

10 A That's correct.

11 Q By the City?

12 A That's correct.

13 Q And it was property owned by the City, is that
14 correct?

15 A That's correct.

16 Q And there had been public disclosures made? There
17 had been some publicity about the fact that you and the other
18 members of the Emergency Transportation -- Emergency
19 Committee would be present there to demonstrate your concern
20 about the highway coming through there and these houses
21 being subjected to being torn down?

22 A That's correct.

23 Q But it never occurred to you that if you entered
24 City property in a public place with the police present
25 that you would be arrested?

1 A. No, and the reason it didn't -- we were told by
2 the District official at the site to leave the house, and
3 if you don't leave, you will be arrested. And when we were
4 proceeding to leave, that's when the police jumped on me.

5 THE COURT: Excuse me, Mr. White. Was this
6 within the scope of the direct?

7 MR. WHITE: We are getting into the area, Your
8 Honor, of Mr. Booker's activities with regard to possible
9 reasons for the FBI's interest in him.

10 THE COURT: Very well.

11 MS. PILSBURY: Your Honor, might I just at this
12 point note that according to the pretrial order, direct --

13 THE COURT: I don't need to have anything like
14 that. The police --

15 MS. PILSBURY: No, I said -- according to the
16 pretrial order --

17 THE COURT: Pretrial --

18 MS. PILSBURY: -- there is a strict time limitation
19 here, and I just want to point out that there's -- in
20 order to get all our evidence in, there's only 20 minutes
21 left on cross and I assume it's -- I don't want the
22 District of Columbia to feel they didn't get their chance
23 and I just wanted to point out --

24 THE COURT: Well, they don't have to worry about
25 that at this time. Go ahead.

1 BY MR. WHITE:

2 Q Mr. Booker, you have a number of speeches
3 during this period, 1968, '69, 1970, did you not?

4 A That's correct.

5 Q Did you give some of these speeches at a location
6 which is sometimes called Malcolm X Park, sometimes called
7 Meridian Hill Park?

8 A That's correct.

9 Q And isn't it true that you gave a speech there
10 in April of 1968 following the death of Martin Luther King?

11 A That's correct.

12 Q And you gave another speech there the next year,
13 April of 1969, in commemoration of the death of Martin
14 Luther King?

15 A That's correct.

16 Q And on occasion you gave speeches at that
17 location for other purposes on other dates?

18 A That's correct.

19 Q In any of those speeches did you make statements
20 to the effect that blacks should arm themselves and fight
21 in the streets of Washington?

22 A That's correct.

23 Q Now, the trip, -- you gave a speech in Toledo I
24 believe you testified about?

25 A That's correct.

1 A. Yes, I did.

2 Q. Did you ever state that the response to this bill
3 should be gunfire?

4 A. I did state that.

5 MR. WHITE: I have no further questions. Thank
6 you, Mr. Booker?

7 THE COURT: Any redirect? Oh, I'm sorry, any
8 further cross?

9 MS. BONN: Yes, Your Honor.

10 CROSS EXAMINATION

11 BY MS. BONN:

12 Q. Mr. Booker, I'm Laura Bonn, and I represent the
13 District of Columbia and the District of Columbia Defendants.
14 I believe you testified, Mr. Booker, that in 1968 you had
15 your first contact with Mr. Bynum?

16 A. That's correct.

17 Q. And I believe you said he approached you in front
18 of the ex-Mayor Washington's house at a demonstration?

19 A. That's correct.

20 Q. What name did he go by when he approached you?

21 A. Harold Bynum.

22 Q. Harold Bynum. Have you ever known him by any other
23 name?

24 A. No, I have not.

25 Q. Is he the same Harold Bynum, or do you know, is

1 he the same Harold Bynum that's a defendant in this lawsuit?

2 A. Yes, he is.

3 Q. Did you ever inquire further who he was or what
4 he did?

5 A. No, I did not.

6 Q. Did you have as many contacts in 1968 with the
7 City officials as you do now?

8 A. Yes, I do.

9 Q. And you never checked on any job references on
10 him?

11 A. No, I did not.

12 Q. He functioned mainly as your driver, is that correct?

13 A. He functioned as a driver, always there when I
14 need him kind of person.

15 Q. He was someone that you put some trust in, is that
16 correct?

17 A. That's correct.

18 Q. Yet you never bothered to find out what he did
19 full time?

20 A. No, I didn't.

21 Q. Did he attend meetings of the Emergency Committee
22 on the Transportation Crisis?

23 A. Yes, he did.

24 Q. Did he sit with you at meetings?

25 A. Yes, he did.

1 Q Did he attend all meetings?

2 A Did he attend all meetings?

3 I don't think he attended all the meetings. He
4 attended some of them.

5 Q Were these open meetings?

6 A All the meetings were open, yes.

7 Q I believe you testified even the executive
8 meetings were open?

9 A Yes, that's correct.

10 Q Would he be permitted to attend these meetings?

11 A Yes, he would.

12 Q Did Mr. Bynum ever suggest any violent acts be
13 taken by the ECTC?

14 A No, he did not.

15 Q Did he actually participate in any suggestions
16 at any of the meetings?

17 A Yes, he did.

18 Q Did his presence at the meetings in any way inhibit
19 your freedom to speak out what you thought?

20 A No, it did not.

21 Q Did his presence at any demonstrations in any
22 way inhibit your freedom to go to any of these demonstrations?

23 A No, it did not.

24 Q Did you actually consider Mr. Bynum a friend of
25 yours?

1 A. Yes, I did. In fact, I invited him to my house.
2 He had dinner and began to like one of my sisters.

3 Q. Was Mr. Bynum involved at the rally of the Three
4 Sisters Bridge?

5 A. Yes, he was.

6 Q. Did he do any of the planning of the rally?

7 A. I don't remember if he did any planning.

8 Q. What was the size of that rally, Mr. Booker?

9 A. Perhaps two to three hundred, four hundred persons.

10 Q. Were all those persons members of the ECTC?

11 A. No, they were not.

12 Q. So there were a number of people there that you
13 don't know where they came from; is that safe to say?

14 A. That's correct.

15 Q. So those could have been the people who caused
16 some of the violent, more violent activites, isn't that correct?

17 A. That's correct.

18 Q. I believe you testified, Mr. Booker, that in about
19 1969 a female identified Harold Bynum to you as a police
20 officer?

21 A. That's correct.

22 Q. Did you at that time call the Metropolitan Police
23 Department and check and see if Harold Bynum was a police
24 officer?

25 A. No, I did not.

1 Q Did you call the District Building to check
2 with anybody at the City Council?

3 A No, I did not.

4 Q You took no action at that time?

5 A I took no action because I was so involved in
6 what I was doing, I didn't have to time to look into matters
7 like that.

8 Q Well, Mr. Booker, after 1969 do you recall what
9 month that was when the woman identified Harold Bynum as
10 a police officer?

11 A I don't know what month. It was during, probably,
12 the summer because we were standing outside in front of a
13 school on 14th Street and --

14 Q Thank you.

15 THE COURT: Does that complete your examination?

16 MS. BONN: No, Your Honor.

17 THE COURT: Do you have more?

18 MS. BONN: Yes, Your Honor.

19 THE COURT: You're going to have to have leave
20 to take extra time.

21 MS. BONN: Well, may we approach the bench?

22 THE COURT: Yes.

23 (At the bench.)

24 MS. BONN: I suupose at this time I would make
25 a motion to have leave --

1 one of the founders of the organization?

2 A. I think I was.

3 Q. What year was the Peace Center formed?

4 A. Well, the Peace Center came to the Friends
5 Meeting of Washington in 1963, but it was organized earlier
6 than that, I believe, and it was really the outgrowth of
7 the vigil at Fort Dietrick, which had been organized by
8 Lawrence Scott in Philadelphia, dated back to 1958, I think.

9 Q. Could you please tell the Court and the jury what
10 the Friends Meeting of Washington is?

11 A. The Friends Meeting of Washington is the local
12 organization of the religious Society of Friends, the
13 Quakers.

14 Q. Was there some particular reason that the Peace
15 Center came to the -- strike that.

16 Did the Peace Center have an office?

17 A. It has an office which is now at the Friends
18 Meeting of Washington, which has furnished them a room.

19 Q. Did the Washington Peace Center have a special
20 affiliation with the Friends Meeting of Washington?

21 A. Only that some of us in the Meeting were active
22 in the Peace Center and because we had joint similar
23 objectives of working for peace and understanding.

24 Q. And what were those objectives?

25 A. The objectives were educational, to try to get

1 the general public more aware of the insanity of the arms
2 race, the validity of the Quaker peace testimony, and to
3 help people to understand and use their influence for
4 better understanding of what was going on in the world.

5 Q Can you tell the Court and the jury what the
6 Quaker peace testimony is?

7 A The Quaker peace testimony dates back to 1660
8 when the founder of a society in England, George Fox, made
9 a declaration to King Charles II of England. I can't recall
10 the exact phraseology, but it was an indication that the
11 Quakers would live in the spirit of the life that would make
12 all war unnecessary, and would not participate in war of
13 any kind.

14 Q And the Peace Center's purpose was to support this
15 peace testimony?

16 A Yes, the Peace Center supported that testimony
17 very much.

18 Q And what activities did the Peace Center engage
19 in to reach this goal?

20 A Well, they were -- participated with other
21 organizations in various demonstrations in the antiwar
22 movement. They got out a monthly newsletter which attempted
23 to keep their clientele informed of what was going on in
24 the peace movement. And in more recent years, they have
25 spent a good deal of effort on draft counseling to young

1 men.

2 Q Did the Peace Center have a policy concerning
3 violence at demonstrations?

4 A Oh, yes. The whole Peace Center movement was
5 non-violent in nature, going back and taking up the position
6 that Martin Luther King had taken up, that everything should
7 be non-violent in its action.

8 Q Did the Peace Center have a policy concerning
9 civil disobedience?

10 A No, I don't think they did. They never undertook
11 any civil disobedience as an organization. If any of their
12 members did, they might have done it only as individuals.

13 Q Did the Peace Center involve itself in demon-
14 strations during the period of 1964 to 1974?

15 A Yes, I think they did, although their involvement
16 was more active, I think, in the early sixties than in the
17 later years.

18 Q During the time that you were a member of the
19 Board of the Peace Center -- that was approximately 1963
20 to about 1971 -- were you aware of any government
21 surveillance of the Peace Center?

22 A No, not at all.

23 Q Were you aware of any informants in or around the
24 Peace Center?

25 A No.

1 coalition of groups called the Ad Hoc Committee
2 on Vietnam, which included the Washington Professors for
3 World Peace and the Sandy Spring Friends Peace Committee,
4 the Women's Strike for Peace. These were local groups.
5 We also worked with the national groups such as the
6 American Friends Service Committee, which is the service
7 arm of the Quakers in the United States; the National
8 Mobilization Committee, the National Peace Action Coalition
9 -- groups of that sort.

10 Q Did you work with any churches in the Washington
11 area?

12 A We did work with the All Souls Unitarian Church.
13 We made use of the facilities and worked with some of the
14 other churches, such as the A. M. E. Zion Church, the
15 United Church of Christ at G Street and 11th, I think it is,
16 but I don't remember the name of the church.

17 Q In the period of 1969 was the Peace Center
18 involved in any demonstrations?

19 A The period of 1969?

20 Q Yes.

21 A Quite a few.

22 Q What was the first major demonstration that the
23 Peace Center was involved in organizing?

24 A In January -- well, there was a demonstration on
25 January 20th, 1969 known as the Counterinaugural.

1 Q Did the Peace Center have any involvement in the
2 planning of this demonstration?

3 A The Peace Center worked with other groups in
4 planning the demonstration, yes.

5 Q What groups did it work with?

6 A We worked with so many groups. I am trying to
7 think of the specific groups that we worked with at that
8 particular time. Probably the National Mobilization Committee
9 Against the War in Vietnam and others.

10 Q Did you attend any planning meetings about this
11 demonstration on behalf of the Peace Center?

12 A I did attend a number of them.

13 Q And what were the locations of these planning
14 meetings?

15 A Oh, some of them were in the All Souls
16 Unitarian Church, in Pierce Hall, some were around
17 Dupont Circle there. I'm not sure exactly. But we had
18 them in a number of places.

19 Q Did the Peace Center -- what were the activities
20 that the Peace Center helped plan for this demonstration?

21 A Well, one thing they almost always took part
22 in and, therefore, I can say they most probably took part in
23 for the demonstration was the housing. They probably had
24 a bit to do with relationships with the Police Department
25 in terms of -- or the Park Police in this particular case

1 it would be -- with respect to demonstration permits.

2 Q Did they -- was there any involvement --

3 A Oh, I just happened to think of one other. The
4 Peace Center in cooperation with a group working out of
5 Quaker House, which is in a building which is owned and
6 operated by the Friends Meeting of Washington Quakers,
7 did a lot of training of Marshals.

8 Q Okay. I'd like to direct your attention to an
9 exhibit which has been entered into evidence as Plaintiffs'
10 Exhibit 13. I want to direct your attention to the last
11 two pages of this exhibit. Have you ever seen this attachment
12 to this exhibit?

13 A Yes, I have.

14 Q And when did you see -- on what occasion did you
15 see this?

16 A Well, on page 2, which is the inaugural weekend
17 of 1969, asking about --

18 THE COURT: The question is when you saw it.

19 THE WITNESS: I saw that back in 1968, that page.

20 BY MS. McNEIL:

21 Q Is this the kind of housing form -- excuse me.
22 Can you tell -- can you identify what this document is?

23 A This document is a form which we asked people to
24 fill out if they had bed space or any housing available
25 for people who were coming into Washington for Counterinaugural

1 events.

2 Q Why was it necessary to determine if there was
3 housing available for demonstrations? What was this housing
4 for?

5 A Well, a very, very large number of people came
6 into the Washington area for these demonstrations from all
7 places all over the country and would need some place to
8 bed down for at least one night while they were in the
9 community.

10 Q Someplace other than a hotel?

11 A Well, most of these people, after all, were
12 spending a lot of money --

13 THE COURT: Answer the question as to whether it
14 was someplace other than a hotel.

15 THE WITNESS: Yes, someplace other than a hotel.

16 BY MS. McNEIL:

17 Q Why was it that they needed to stay someplace
18 other than a hotel?

19 A It is very costly on someone putting out a lot
20 of time and effort and money to either take a bus or car
21 or airplane or what have you to get to Washington and stay
22 in Washington for a day or two.

23 Q You testified that the Washington Peace Center
24 was involved in Marshal training. Could you tell the Court
25 and the jury exactly what a Marshal is?

850A

1 A. A Marshal is -- well, we can say a peacekeeper;
2 a peacemaker; more than a peacekeeper. It was very
3 necessary on the part of what the Washington Peace Center
4 stood for and all of the other peace groups that I was aware
5 of that the demonstrations remain non-violent. There were
6 a lot of police and other groups around, and there was
7 always the possibility of an interaction involving becoming
8 violent or less than non-violent when groups of this sort
9 are together, and the Marshals, who wore armbands, needed
10 to have some training in how to ameliorate any -- or head
11 off any possible confrontation and keep things from being
12 violent.

13 Q. Was it important for Marshals to be able to
14 communicate with each other during the demonstrations?

15 A. Very much so.

16 Q. Okay, what was the next large demonstration that
17 the Washington Peace Center was involved in in 1969?

18 A. The Washington Peace Center, the one I can
19 remember the most, would be the October moratorium
20 followed by the November mobilization.

21 Q. Were you personally involved in any of the
22 planning on behalf of the Peace Center in either one of these
23 demonstrations?

24 A. In the mobilization, which was a national
25 demonstration here in Washington in November of 1969.

850B

1 Q And what activity did you play on behalf of the
2 Peace Center?

3 A Well, -- in the planning?

4 Q Yes.

5 A Well, attended planning meetings, deciding what
6 route we would like to have, how we would handle the housing,
7 how we would handle the Marshals, who the speakers would
8 be. These were all the things that were normally taken
9 care of.

10 Q What organizations was the Peace Center working
11 with to help plan these demonstrations?

12 A Well, the main national organization for that
13 particular demonstration was the National Mobilization
14 Committee Against the War in Vietnam and, of course, we
15 worked with them. There were always a lot of local peace
16 organizations that take part in these in helping to plan,
17 helping to assist with what happens in Washington. They
18 are also part of the planning.

19 Q Did the Peace Center aid in planning any further
20 demonstrations, antiwar demonstrations in Washington, D. C.?
21

22 A I felt that there were very, very few large or
23 small demonstrations in Washington that the Peace Center
24 did not have some part in as long as they were against the
25 war in Vietnam.

1 Q During the period of 1964 through 1972 were you
2 aware of any government surveillance of the Washington
3 Peace Center?

4 A No.

5 Q Did you later come to have knowledge of such
6 surveillance?

7 A Yes, I did.

8 Q How did you gain this knowledge?

9 A When the -- under the Freedom of Information
10 Act the Washington Peace Center asked for its files and
11 then I had the opportunity to look over these files. I
12 found out that there had been.

13 Q And in about what year did the Peace Center
14 request its files under the Freedom of Information Act?

15 A Approximately 1974, '75.

16 Q And what caused you, the Peace Center, at that
17 time to decide to ask for its files?

18 A Back in July of 1973 there was a break-in at the
19 Peace Center and also at the Friends Meeting of Washington
20 offices of which the Peace Center is -- has its offices in
21 the Friends Center in the Washington building.

22 Q What was there about this break-in that made you
23 all request your FBI files?

24 A Well, everything was askew. The mailing list was
25 out on the table. We hunted and hunted around to see if

1 anything had been taken, typewriters or any other
2 equipment -- mimeograph equipment that we had. We didn't
3 have very much in the office that was worthwhile. But we
4 found nothing had been taken, and it seemed very strange.

5 Q And that caused you to -- what did that cause you
6 to conclude about the break-in?

7 A Well, that it certainly wasn't for someone's
8 profit. Therefore, it seemed to us that it may have been
9 due to the government wanting or the Justice Department
10 or FBI -- we didn't know who -- wanting information about
11 the people who contributed to the Washington Peace Center.

12 Q Were you ever able to determine who broke into
13 your offices and the offices of the Friends Meeting of
14 Washington?

15 A No.

16 MR. WHITE: Can we approach the bench?

17 THE COURT: Yes.

18 (At the bench.)

19 MR. WHITE: It appears they don't intend to put
20 on any evidence that the FBI was involved in this break-
21 in, so I would like to have an instruction to the jury to
22 disregard the testimony.

23 MS. McNEIL: The evidence was put on what first
24 started their thinking that there was any government
25 surveillance of their activities. It wasn't put in to --

1 THE COURT: I will instruct them as to that.

2 MR. WHITE: Thank you, Your Honor.

3 (Before the jury.)

4 THE COURT: Ladies and gentlemen, pay close
5 attention to this. You remember at the close of business
6 on Friday I invited your attention to the fact that one of
7 the issues that you will have to decide is whether each of
8 these Plaintiffs waited too long to bring suit, because if
9 they didn't bring it within the period open under the
10 Statute of Limitations, no matter how badly they were
11 treated, they were not entitled to sue. This testimony
12 which you just heard about this witness' knowledge of a
13 break-in and his or his organization's request thereafter
14 for government information about surveillance is offered
15 not for the purpose of proving that there was a break-in
16 by any Defendant -- he didn't mention any Defendant.
17 It's offered only as part of this particular Plaintiff's
18 evidence to show when it was that it -- in this case the
19 organization -- focused on the possibility that there might
20 be some basis for a lawsuit. They are citing the break-
21 in simply as their explanation as to why they didn't sue,
22 begin the process that ended in suing sooner.

23 Does anybody not understand what I have just said?
24 If so, nod your head in the affirmative. Otherwise, I'll
25 assume everybody understood.

1 THE WITNESS: Yes.

2 MS. McNEIL: I'm sorry, Your Honor?

3 THE COURT: How does this witness know about this
4 document?

5 MS. McNEIL: By his review of the files.

6 THE COURT: Well, the document can come in, but
7 let's not have him describe it. You can use it for
8 whatever you want to, but the witness doesn't need to --

9 MS. McNEIL: May I approach the bench, Your
10 Honor?

11 THE COURT: I don't think that's necessary.

12 MS. McNEIL: Very well, Your Honor.

13 BY MS. McNEIL:

14 Q Is the Peace Center mentioned on this document?

15 A No, the Peace Center is not mentioned on this
16 document.

17 Q Is the Quaker House located near the Peace
18 Center?

19 A Yes, it is.

20 Q How near?

21 A The Washington Peace Center offices are in the
22 Friends Meeting of Washington. An adjacent building
23 houses the Quaker house.

24 Q Thank you. I'd like to direct your attention
25 to a document identified for the record as Plaintiffs'

1 Exhibit 102-37C. Do you recognize this document?

2 A. Yes.

3 Q. How do you recognize it?

4 A. Because it is the or was the mailing list of the
5 Washington Peace Center, or parts of it.

6 Q. It's part of the mailing list for the Washington
7 Peace Center.

8 Was the mailing list of the Washington Peace
9 Center considered a public document?

10 A. Very definitely not.

11 Q. Did you ever give the mailing list of the
12 Washington Peace Center to other organizations?

13 A. We did not.

14 Q. Did organizations ask the Washington Peace Center
15 for copies of the mailing list?

16 A. They did.

17 Q. And what was the Washington Peace Center's
18 response?

19 A. The Washington Peace Center -- when the organization
20 was one which we deemed had purposes similar to our own --
21 said that we would make the mailing of what they wanted mailed
22 for them, and we do our own addressing. So the mailing
23 list never did leave the Washington Peace Center office.

24 MS. McNEIL: Thank you. No further questions.

25 THE COURT: I'd like to see counsel at the bench.

1 And it is recognized under law as an organization?

2 A. Right.

3 Q. It's separate and distinct from what used to be
4 called the Washington Mobilization Committee, isn't that
5 correct?

6 A. Correct.

7 Q. Now, what is the address at the bottom of the
8 housing form as to where it should be sent by those persons
9 interested in supplying housing?

10 A. This says it is a different address than the
11 Washington Peace Center, if that's what you want.

12 Q. Well, would you read the address?

13 A. 3 Thomas Circle, Washington, D. C.

14 Q. And is there an organization --

15 A. Washington Mobilization Committee.

16 Q. The Washington Peace Center address does not
17 appear on that document at all, does it?

18 A. That is correct.

19 Q. Do you have any personal knowledge or recollection
20 as to what occurred with regard to housing in 1969?

21 A. Well, there were some problems --

22 Q. At that demonstration --

23 Q. There were some problems. People did get addresses,
24 names and addresses that they were supposed to spend the
25 night at, and then couldn't find the name or address.

1 Non-existent housing.

2 Q And how did you acquire that knowledge that people
3 had difficulty?

4 A Because when people went out after the demon-
5 stration, they ended up calling either the -- more often
6 than not, even though the office is on there -- they would
7 call the Washington Peace Center because there was always
8 someone at the Washington Peace Center handling housing.
9 And they were told this, I'm sure, when they picked up
10 their thing. Otherwise, they may have also called that
11 other organization. But I know a lot of people called the
12 Washington Peace Center.

13 Q Do you know an individual by the name of David
14 Fleischman?

15 A Yes, sir.

16 Q I'd like to show you, Doctor Kaufman, Federal
17 Defendants' Exhibit No. 49, which is answers to
18 interrogatories by the Washington Peace Center -- that's
19 interrogatories which were asked by the Federal Defendants
20 that were signed by David Fleischman. Was he affiliated
21 with the Washington Peace Center?

22 A Yes, he was.

23 Q In what capacity?

24 A He was a staff person back a few years ago.

25 Q And what's the date of that document, the day it

the present housing

and how the two agencies have developed their people

and housing?

Because when people come to the house

association, they asked us what kind of house we had

and we, even though the office is in the city, they would

tell the Washington State Center because there are many

people at the Washington State Center, and they would

and they were told that, "I don't know, but I think it

might be in the Washington State Center, and they would

know something about it, and I don't know where it is.

Washington State Center.

So you have no idea where it is, do you?

Yes, sir.

Yes, sir.

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